



General Assembly

January Session, 2007

**Bill No. 7088**

LCO No. 4140

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Referred to Committee on Government Administration and Elections

Introduced by:

REP. CAFERO, 142<sup>nd</sup> Dist.

SEN. DELUCA, 32<sup>nd</sup> Dist.

***AN ACT CONCERNING A CONSOLIDATED UNIFORM  
PROCUREMENT CODE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective from passage*) (a) There is established a  
2       State Contracting Standards Board that shall consist of thirteen  
3       members appointed as follows: Seven members shall be appointed by  
4       the Governor, one member shall be appointed by the speaker of the  
5       House of Representatives, one member shall be appointed by the  
6       president pro tempore of the Senate, one member shall be appointed  
7       by the majority leader of the Senate, one member shall be appointed by  
8       the minority leader of the Senate, one member shall be appointed by  
9       the majority leader of the House of Representatives and one member  
10      shall be appointed by the minority leader of the House of  
11      Representatives.

12      (b) Each member shall be appointed in accordance with the  
13      provisions of section 4-7 of the general statutes and have demonstrated

14 sufficient knowledge by education, training or experience in several of  
15 the following enumerated areas: (1) Procurement; (2) contract  
16 negotiation, selection and drafting; (3) contract risk assessment; (4)  
17 competitive bidding and proposal procedures; (5) real estate  
18 transactions, including the purchase, sale and lease of real estate and  
19 buildings; (6) building construction and architecture; (7) business  
20 insurance and bonding; (8) ethics in public contracting; (9) federal and  
21 state statutes, procurement policies and regulations; (10) outsourcing  
22 and privatization analysis; (11) small and minority business enterprise  
23 development; (12) engineering and information technologies; and, (13)  
24 personnel and labor relations. Such education, training or experience  
25 shall have been acquired over not less than a continuous five-year  
26 period and shall have been acquired within the ten-year period  
27 preceding such appointment.

28 (c) The chairperson of the board shall be appointed by the members  
29 of the board. The terms of the members shall be coterminous with the  
30 terms of the appointing authority for each member. If any vacancy  
31 occurs on the board, the appointing authorities having the power to  
32 make the appointment under the provisions of this subsection shall  
33 appoint a person in accordance with the provisions of this subsection.

34 (d) The State Contracting Standards Board shall be an independent  
35 body within the Executive Department.

36 (e) The chairperson of the board shall be compensated two hundred  
37 dollars per diem. Other members of the board shall be compensated  
38 two hundred dollars per diem. No person shall serve on the Board  
39 who is a full-time state or municipal employee and neither a person on  
40 the Board nor any spouse, child, stepchild, parent or sibling of such  
41 person shall be directly in a position involved in any enterprise that  
42 does business with the state.

43 (f) The Governor shall appoint an executive director who shall serve  
44 as an ex-officio, nonvoting member of the board. The executive  
45 director shall be appointed in accordance with the provisions of

46 section 4-7 of the general statutes and may be removed from office for  
47 reasonable cause, in accordance with chapter 67 of the general statutes.  
48 The board shall, annually, conduct a performance evaluation of such  
49 executive director. The executive director shall report to the  
50 chairperson of the board and, in consultation with the Chief  
51 Procurement Officer, (1) conduct comprehensive planning with respect  
52 to the administrative functions of the board; (2) coordinate the budget  
53 and personnel activities of the board; (3) cause the administrative  
54 organization of the board to be examined with a view to promoting  
55 economy and efficiency; (4) act as the external liaison for the board;  
56 and, (5) execute such other duties as may be assigned by the  
57 chairperson of the board. In accordance with established procedures,  
58 the executive director may enter into such contractual agreements as  
59 may be necessary for the discharge of the director's duties.

60 (g) The board shall appoint a Chief Procurement Officer for a term  
61 not to exceed six years, unless reappointed pursuant to the provisions  
62 of this sub-section. The Chief Procurement Officer shall be supervised  
63 by the chairperson and annually evaluated by and shall serve at the  
64 pleasure of the board.

65 (1) The Chief Procurement Officer shall be responsible for carrying  
66 out the policies of the board including, but not limited to, oversight,  
67 investigation, auditing, agency procurement certification and  
68 procurement and project management training and enforcement of  
69 said policies as well as the application of such policies to the screening  
70 and evaluation of current and prospective contractors. In accordance  
71 with established procedures, said Chief Procurement Officer may enter  
72 into such contractual agreements as may be necessary for the discharge  
73 of the duties as set forth in this act and by the board, including, but not  
74 limited to, recommending best practices and providing operational  
75 and administrative assistance to state agencies determined, by the  
76 board, to be in violation of this act.

77 (2) In addition to the duties set forth in this act and by the board, the

78 Chief Procurement Officer shall (A) oversee state contracting agency  
79 compliance with the provisions of the code; (B) monitor and assess the  
80 procurement duties of each Agency Procurement Officer; (C)  
81 administer the certification system and monitor the level of agency  
82 compliance with the requirements of this Code, including, but not  
83 limited to the education and training, performance and qualifications  
84 of agency contract officers; (D) review and monitor the procurement  
85 processes of each state contracting agency, quasi-public agencies and  
86 institutions of higher education; and (E) serve as Chair of the  
87 Contracting Standards Advisory Council and an ex officio member of  
88 the Vendor and Citizen Advisory Panel.

89 (h) The board may contract with consultants and professionals on a  
90 temporary or project by project basis and may employ, subject to the  
91 provisions of chapter 67 of the general statutes, such employees as may  
92 be necessary to carry out the provisions of this section.

93 (i) The reasonable expenses of the State Contracting Standards  
94 Board and its employees shall be paid from the budget of the board  
95 upon the approval of the board.

96 (j) No employee of the State Contracting Standards Board shall hold  
97 another state or full-time municipal position, nor shall any such  
98 employee or any non-clerical employee or any spouse, child, stepchild,  
99 parent or sibling of such employee of the board be directly involved in  
100 any enterprise that does business with the state. Each member and  
101 employee of the State Contracting Standards Board shall file, with the  
102 board and with the Office of State Ethics, a financial statement  
103 indicating all sources of business income of such person in excess of  
104 one thousand dollars, and the name of any business with which such  
105 member or employee is associated, as defined in subsection (b) of  
106 section 1-79 of the general statutes. Such statement shall be a public  
107 record. Financial statements for the preceding calendar year shall be  
108 filed with the commission, as required by law, if such employee or  
109 member held such a position during the preceding calendar year.

110 (k) Any violation of the provisions of subsection (j) of this section  
111 shall constitute a violation of part I of chapter 10 of the general statutes  
112 and may be the subject of a complaint and investigation filed and  
113 conducted in accordance with the provisions of section 1-82 of the  
114 general statutes.

115 (l) The board shall adopt such rules as it deems necessary for the  
116 conduct of its internal affairs, in accordance with section 4-167 of the  
117 general statutes, including, but not limited to, rules of procedure for  
118 any appeal taken pursuant to section 117 of this act and any review  
119 undertaken pursuant to section 10 of this act.

120 (m) Seven members of the board shall constitute a quorum which  
121 shall be required for the transaction of business by the board.

122 Sec. 2. (NEW) (*Effective from passage*) (a) Except as otherwise  
123 provided in the general statutes or this act, all rights, powers, duties,  
124 and authority relating to the procurement policies of the state, now  
125 vested in, or exercised by, any state contracting agency under the  
126 several statutes relating thereto are hereby transferred to the board, as  
127 follows:

128 (1) Acquisition of supplies, services, and construction, and the  
129 management, control, warehousing, sale, and disposal of supplies,  
130 services, and construction;

131 (2) Involving any state contracting and procurement processes,  
132 including, but not limited to, leasing and property transfers,  
133 purchasing or leasing of supplies, materials or equipment, consultant  
134 or consultant services, purchase of service agreements or privatization  
135 contracts as defined in this act; and,

136 (3) Relating to contracts for the construction, reconstruction,  
137 alteration, remodeling, repair or demolition of any public building.

138 (b) Upon request by the board, each state contracting agency,  
139 including quasi public agencies and institutions of higher education,

140 engaged in procurement shall provide the board, in a timely manner,  
141 with such procurement information as the board deems necessary. The  
142 board shall have access to all information, files and records related to  
143 any state contracting agency in furtherance of this purpose. Nothing in  
144 this section shall be construed to require the board's disclosure of  
145 documents that are exempt from disclosure pursuant to chapter 14 of  
146 the general statutes or that may be protected from disclosure under  
147 claim of an attorney-client privilege.

148 (c) Nothing in this section shall be construed to require the  
149 application of uniform procurement code procedures when such  
150 procurement involves the expenditure of federal assistance or contract  
151 funds and federal law provides applicable procurement procedures to  
152 the extent such procedures are inconsistent with the uniform  
153 procurement code.

154 Sec. 3. (NEW) (*Effective from passage*) Except as otherwise provided  
155 in the general statutes, the board shall have the following authority  
156 and responsibilities:

157 (a) Recommend the repeal of repetitive, conflicting or obsolete  
158 statutes concerning state procurement;

159 (b) Review and approve proposed legislation and regulations prior  
160 to promulgation, provided that the board shall review proposed  
161 regulations submitted to it for approval within thirty days of receipt of  
162 the proposed regulations, and failure by the board to issue comments  
163 to the proposing agency within said thirty-day period shall be deemed  
164 to be approval of such proposed regulations, as well as, institute  
165 policies, consistent with this act, governing the procurement,  
166 management, control, and disposal of any and all supplies, services,  
167 and construction to be procured by the state, including, but not limited  
168 to :

169 (1) Conditions and procedures for delegations of procurement  
170 authority;

- 171       (2) Pre-qualification, suspension, debarment, and reinstatement of  
172       prospective bidders and contractors;
- 173       (3) Small purchase procedures;
- 174       (4) Conditions and procedures for the procurement of perishables  
175       and items for resale;
- 176       (5) Conditions and procedures for the use of source selection  
177       methods authorized by this code;
- 178       (6) Conditions and procedures for the use of emergency  
179       procurements;
- 180       (7) Conditions and procedures for the selection of contractors by  
181       processes or methods that restrict full and open competition;
- 182       (8) The opening or rejection of bids and offers, and waiver of  
183       informalities in bids and offers;
- 184       (9) Confidentiality of technical data and trade secrets submitted by  
185       actual or prospective bidders or proposers;
- 186       (10) Partial, progressive, and multiple awards;
- 187       (11) Supervision of storerooms and inventories, including  
188       determination of appropriate stock levels and the management,  
189       transfer, sale, or other disposal of publicly-owned supplies;
- 190       (12) Definitions and classes of contractual services and procedures  
191       for acquiring them;
- 192       (13) Regulations providing for conducting cost and price analysis;
- 193       (14) Use of payment and performance bonds;
- 194       (15) Guidelines for use of cost principles in negotiations,  
195       adjustments, and settlements; and

196 (16) Identification of procurement best practices;

197 (c) Adopt regulations pursuant to chapter 54 of the general statutes  
198 and policies to carry out the provisions of the code, in order to  
199 facilitate consistent application of the law and require the  
200 implementation of procurement best practices. Any regulation  
201 promulgated by the State Contracting Standards Board under the  
202 authority of this act shall supersede a conflicting regulation of a state  
203 contracting agency, as determined by the board.

204 (d) Develop, acquire, implement, provide oversight and  
205 management of information systems for state procurement including,  
206 but not limited to data element and design and the state contracting  
207 portal, as set forth in section 14 of this act;

208 (e) Develop, publish and maintain the uniform procurement code  
209 for all state contracting agencies;

210 (f) Assist state contracting agencies in complying with the code by  
211 providing guidance, models, advice and practical assistance to state  
212 contracting agency staff relating to: (1) Buying the best service at the  
213 best price, (2) properly selecting contractors, and (3) drafting contracts  
214 that achieve state goals and protect taxpayers' interest;

215 (g) Coordinate the Agency Procurement Officers of each state  
216 contracting agency and the contracting officers thereunder.

217 (1) The head of each state contracting agency shall appoint a senior  
218 official as the Agency Procurement Officer. Said Officer shall serve as  
219 the liaison between the agency and the Chief Procurement Officer on  
220 all matters relating to the agency's procurement activity; including, but  
221 not limited to implementation and compliance with the provisions of  
222 this act and any policies or regulations adopted by the Board,  
223 coordination of the training and education of agency procurement  
224 employees in accordance with sections 1(g)(2) and 4 of this act and  
225 serving on the Contract Standards Advisory Council as established in



226 section 7 of this act.

227 (2) The Agency Procurement Officer shall be responsible for  
228 assuring that contractors are properly screened prior to the award of a  
229 contract, evaluating contractor performance during and at the  
230 conclusion of a contract, submitting said written evaluations to a  
231 central data repository to be designated by the Board and creating a  
232 project management plan for the agency with annual reports to the  
233 Board pertaining to procurement projects within the agency.

234 (h) Review and certify, on or after July 1, 2008, that a state  
235 contracting agency's procurement processes are in compliance with the  
236 code by:

237 (1) Establishing procurement and project management education  
238 and training criteria and certifying (i) the Agency Procurement Officer;  
239 and (ii) the contracting officers either identified by the Agency  
240 Procurement Officer or by job classification. All employees so  
241 designated under this provision shall be required to maintain the  
242 certification in good standing at all times while performing  
243 procurement functions.

244 (2) Approving an ethics training course, including, but not limited  
245 to, state employees involved in procurement and for state contractors  
246 and substantial subcontractors who are prequalified pursuant to the  
247 provisions of section 84 of this act. Such ethics training course may be  
248 developed and provided by the Office of State Ethics or by any person,  
249 firm or corporation provided such course is approved by the State  
250 Contracting Standards Board;

251 (i) Recertify each state contracting agency's procurement processes,  
252 at least, triennially, and providing agencies with notice of any  
253 certification deficiency and exercising authority as provided under  
254 section 6(a) of this act if a determination of noncompliance is made;

255 (j) Define the contract data reporting requirements to the Board for

256 state agencies concerning information on: (1) The number and type of  
257 state contracts currently in effect state-wide; (2) the term and dollar  
258 value of such contracts; (3) a list of client agencies; (4) a description of  
259 services purchased under such contracts; (5) contractor names; (6) an  
260 evaluation of contractor performance, including, but not limited to  
261 records pertaining to the suspension or disqualification of contractors,  
262 and assuring such information is available on the state contracting  
263 portal; and (7) a list of contracts and contractors awarded without full  
264 and open competition stating the reasons for and identifying the  
265 approving authority; and

266 (k) Provide the Governor and the joint standing committee of the  
267 General Assembly having cognizance of matters relating to  
268 government administration with recommendations concerning the  
269 uniform procurement code.

270 Sec. 4. (NEW) (*Effective from passage*) (a) The Board, with the advice  
271 and assistance of the Commissioner of Administrative Services, shall  
272 develop a standardized state procurement and project management  
273 education and training program. Such education and training program  
274 shall develop education, training and professional development  
275 opportunities for employees of state contracting agencies charged with  
276 procurement responsibilities. The program will educate said  
277 employees in general business acumen and on proper purchasing  
278 procedures as established in the uniform procurement code, with an  
279 emphasis on ethics, fairness, consistency and project management.  
280 Participation in the program shall be required of any supervisory and  
281 non-supervisory state employees in state contracting agencies with  
282 responsibility for buying, purchasing, renting, leasing or otherwise  
283 acquiring any supplies, service, or construction, including description  
284 of requirements, selection and solicitation of sources, preparation and  
285 award of contracts and all phases of contract administration.

286 (b) The program shall include, but shall not be limited to (1) training  
287 and education concerning federal, state and municipal procurement

288 processes, including the state procurement code and principals of  
289 project management; (2) training and education courses developed in  
290 cooperation with the Office of State Ethics, the Freedom of Information  
291 Commission, the Office of Elections Enforcement, the Commission on  
292 Human Rights and Opportunities, the Office of the Attorney General  
293 and any other state agency the Board determines is necessary in  
294 carrying out the purposes of this act; (3) providing technical assistance  
295 to state contracting agencies, quasi-publics, constituent units of the  
296 state system of higher education and municipalities for implementing  
297 the procurement code, regulations, policies and standards developed  
298 by the Board; (4) offer training to current and prospective contractors  
299 and vendors and others seeking to do business with the state; and (5)  
300 training and education of state employees in the area of best  
301 procurement practices in state purchasing with the goal of achieving  
302 the level of acumen necessary to achieve the objectives of this act.

303 (c) Any employee that completes the program established under  
304 this section shall be issued documentation by the board  
305 acknowledging such employees' participation in the training and  
306 education program. The board shall submit an annual report to the  
307 Governor and the General Assembly on the status of the training and  
308 education program.

309 (d) The Board shall adopt regulations, in accordance with the  
310 provisions of chapter 54 of the general statutes, relating to the  
311 development and implementation of the training and education  
312 program established under this section.

313 Sec. 5. (NEW) (*Effective from passage*) (a) The Board shall conduct  
314 audits of state contracting agencies, at least, triennially, to ensure  
315 compliance with the uniform procurement code. In conducting such  
316 audit, the Board shall have access to all contracting and procurement  
317 records, may interview any and all personnel responsible for  
318 contracting, contract negotiations or procurement and may enter into  
319 an agreement with the State Auditors of Public Accounts to effectuate

320 such audit.

321 (b) Upon completion of any such audit, the Board shall prepare and  
322 issue compliance report for such state contracting agency. Such report  
323 shall identify any process or procedure that is inconsistent with the  
324 uniform procurement code and indicate those corrective measures the  
325 board deems necessary to comply with code requirements. Such report  
326 shall be issued and delivered not later than thirty days after  
327 completion of such audit and shall be a public record.

328 Sec. 6. (NEW) (*Effective from passage*) (a) For cause, the State  
329 Contracting Standards Board may, review, terminate or recommend  
330 termination of any contract or procurement agreement undertaken by  
331 any state contracting agency after providing fifteen days notice to the  
332 state contracting agency and the applicable contractor, and consulting  
333 with the Attorney General. Such termination of a contract or  
334 procurement agreement by the board may occur only after (A) the  
335 board has consulted with the contracting agency to determine the  
336 impact of an immediate termination of the contract, (B) a  
337 determination has been made jointly by the board and the contracting  
338 agency that an immediate termination of the contract will not create  
339 imminent peril to the public health, safety or welfare, and (C) a vote of  
340 two-thirds of the members of the board present and voting for that  
341 purpose. Such action shall be accompanied by notice to the state  
342 contracting agency and any other affected party. For the purpose of  
343 this section, "for cause" means: (1) A violation of section 1-84 or 1-86e  
344 of the general statutes, as amended by this act or section 84 of this act;  
345 (2) wanton or reckless disregard of any state contracting and  
346 procurement process by any person substantially involved in such  
347 contract or state contracting agency; or (3) notification from the  
348 Attorney General to the state contracting agency that an investigation  
349 pursuant to section 4-61dd of the general statutes has concluded that  
350 the process by which such contract was awarded was compromised by  
351 fraud, collusion or other serious ethical improprieties.

352 (b) Following consultation with the state contracting agency, and  
353 thereafter upon providing fifteen days notice and a hearing, the State  
354 Contracting Standards Board may restrict or terminate the authority of  
355 any state contracting agency to enter into any contract or procurement  
356 agreement if the board, upon a vote of two-thirds of the members of  
357 the board present and voting for such purpose, determines that such  
358 state contracting agency failed to comply with statutory contracting  
359 and procurement requirements, and evidenced a reckless disregard for  
360 applicable procedures and policy and such limitation, restriction or  
361 termination of authority is in the state's best interest, and provided that  
362 the board has made arrangements for exercise of the contracting power  
363 of such agency during the period of limitation, restriction or  
364 termination. Such limitation, restriction or termination of authority  
365 shall remain in effect until such time as the board determines that such  
366 state contracting agency has implemented corrective measures and  
367 demonstrated compliance with code requirements.

368 (c) Following consultation with the state contracting agency, and  
369 thereafter upon providing fifteen days notice and a hearing, the State  
370 Contracting Standards Board may report and make recommendation  
371 to a state contracting agency asking it to take appropriate action  
372 restricting or terminating the authority of an employee or agent to  
373 enter into any contract or procurement agreement if the board, upon a  
374 vote of two-thirds of the members of the board present and voting for  
375 such purpose, determines that such employee or agent failed to  
376 comply with statutory contracting and procurement requirements, and  
377 evidenced a reckless disregard for applicable procedures and policy.  
378 Such limitation, restriction or termination of authority shall remain in  
379 effect until such time as the board determines that such state  
380 contracting agency has implemented corrective measures and  
381 demonstrated compliance with code requirements.

382 Sec. 7. (NEW) (*Effective from passage*) There is established a  
383 Contracting Standards Advisory Council, which shall consist of  
384 representatives from the Office of Policy and Management,

385 Departments of Administrative Services, Transportation, Public Works  
386 and Information Technology and representatives of, at least, three  
387 additional contracting agencies designated by the Governor. The Chief  
388 Procurement Officer shall be a member and serve as chairperson. The  
389 advisory council shall meet at least four times per year to discuss  
390 problems and to make recommendations for improvements of the  
391 procurement processes to the State Contracting Standards Board. The  
392 advisory council may conduct studies, research and analyses and make  
393 reports and recommendations with respect to subjects or matters  
394 within the jurisdiction of the State Contracting Standards Board.

395       Sec. 8. (NEW) (*Effective from passage*) (a) There shall be a Vendor and  
396 Citizen Advisory Panel, comprised of fifteen members appointed, as  
397 follows: Three members shall be appointed by the Governor, two  
398 members shall be appointed by each of the following: the speaker of  
399 the House of Representatives, the majority and minority leaders of the  
400 House of representatives, the president pro tempore of the Senate and  
401 the majority and minority leaders of the Senate. There shall be no more  
402 than six vendors with state procurement experience on the panel and  
403 the remaining citizen members shall have demonstrated sufficient  
404 knowledge by education, training or experience in several of the  
405 following enumerated areas: (1) Government procurement; (2) contract  
406 negotiation, drafting and management; (3) contract risk assessment; (4)  
407 preparing requests for proposals, invitations to bid and other  
408 procurement solicitations; (5) evaluating proposals, bids and  
409 quotations; (6) real property transactions; (7) business insurance and  
410 bonding; (8) the state code of ethics; (9) federal and state statutes,  
411 policies and regulations; (10) outsourcing and privatization proposal  
412 analysis; (11) governmental taxation and finance; and (12) small and  
413 minority business enterprise development, known in the State of  
414 Connecticut as the set aside program. Such education, training or  
415 experience shall have been acquired over not less than a continuous  
416 five-year period and shall have been acquired within the ten-year  
417 period preceding such appointment. The chairperson of the Panel is  
418 the Chief Procurement Officer, who shall be an ex officio member.

419 (b) The Panel shall make recommendations to the Board regarding  
420 best practices in state procurement processes and project management  
421 as well as other issues pertaining to stakeholders in the system.

422 Sec. 9. (NEW) (*Effective from passage*) (a) On or before January 1,  
423 2008, the Board shall submit such additional legislation as is necessary  
424 to effectuate the provisions of this act in order to permit state  
425 contracting agencies, not including quasi-publics and institutions of  
426 higher education, to carry out their functions under the Uniform  
427 Procurement Code.

428 (b) On or before January 1, 2009, the Board shall submit such  
429 additional legislation as if necessary to apply the provisions of this act  
430 to quasi-publics and constituent units of the state system of higher  
431 education.

432 (c) On or before January 1, 2010, the Board shall submit such  
433 additional legislation as is necessary to apply the provisions of this act  
434 to the municipal procurement processes utilizing state funds.

435 Sec. 10. (NEW) (*Effective from passage*) (a) On and after October 1,  
436 2009, the powers, duties, obligations and other governmental functions  
437 of the State Properties Review Board, established under subsection (a)  
438 of section 4b-3 of the general statutes, shall transfer to the State  
439 Contracting Standards Board, established under section 46(d) of this  
440 act. The powers, duties, obligations and other governmental functions  
441 of the State Properties Review Board, shall thereafter vest in the State  
442 Contracting Standards Board, in accordance with the provisions of  
443 sections 4-38d and 4-39 of the general statutes.

444 (b) On or before October 1, 2009, the State Contracting Standards  
445 Board shall establish a three-member subcommittee of the board to be  
446 known as the state properties review subcommittee to perform the  
447 duties described under subsection (a) of this section. The  
448 subcommittee shall perform the duties established under subsection  
449 (a) of this section in accordance with the rules and procedures

450 established by the board pursuant to subsection (i) of section 2 of this  
451 act. The State Contracting Standards Board shall constitute a successor  
452 department to the State Properties Review Board in accordance with  
453 the provisions of sections 4-38d and 4-39 of the general statutes.

454 Sec. 11. (NEW) (*Effective from passage*) (a) The Board shall be  
455 available to provide assistance to the Secretary of the State,  
456 Comptroller, Treasurer and Attorney General to develop best  
457 procurement practices specific to the constitutional responsibilities of  
458 each office and consistent with the provisions of this act.

459 (b) Each of the above-referenced officers shall adopt a code of  
460 procurement practices on or before July 1, 2009.

461 Sec. 12. (NEW) (*Effective from passage*) (a) On or before January 1,  
462 2009, the Judicial Branch and the Legislative Branch shall prepare a  
463 procurement code applicable to contracting expenditures, including,  
464 but not limited to, expenditures: (1) Involving contracting and  
465 procurement processes for purchasing or leasing of supplies, materials  
466 or equipment, consultant or consultant services, personal service  
467 agreements or purchase of service agreements; and (2) relating to  
468 contracts for the renovation, alteration or repair of any Judicial Branch  
469 and the Legislative Branch facility in accordance with section 4b-1 of  
470 the general statutes.

471 (b) The procurement code described in subsection (a) of this section  
472 shall be designed to: (1) Establish uniform contracting standards and  
473 practices; (2) simplify and clarify contracting standards and  
474 procurement policies and practices, including, but not limited to,  
475 procedures for competitive sealed bids, competitive sealed proposals,  
476 small purchases, sole source procurements, emergency procurements  
477 and special procurements; (3) ensure the fair and equitable treatment  
478 of all businesses and persons who deal with the procurement system;  
479 (4) include a process to maximize the use of small contractors and  
480 minority business enterprises, as defined in section 189 of this act; (5)  
481 provide increased economy in procurement activities and maximize



482 purchasing value to the fullest extent possible; (6) ensure that the  
483 procurement of supplies, materials, equipment, services, real property  
484 and construction is obtained in a cost-effective and responsive manner;  
485 (7) include a process to ensure contractor and Judicial Branch  
486 accountability; and, (8) provide a process for competitive sealed bids,  
487 competitive sealed proposals, small purchases, sole source  
488 procurements, emergency procurements, special procurements, best  
489 value selection, qualification based selection and the conditions for  
490 their use.

491 (c) On or before February 1, 2009, the Judicial Branch shall submit  
492 such procurement code for review and approval to the joint standing  
493 committee of the General Assembly having cognizance of matters  
494 relating to the Judicial Branch.

495 (d) On or before February 1, 2009, the Legislative Branch shall  
496 submit such procurement code for review and approval to the joint  
497 committee on Legislative Management.

498 Sec. 13. (NEW) (*Effective July 1, 2008*) The Commissioner of  
499 Administrative Services shall have the following general duties and  
500 responsibilities with respect to procurement:

501 (a) The purchase and provision of supplies, materials, equipment  
502 and contractual services, as defined in this act, subject to the provisions  
503 of the general statutes and the policies as set forth by the State  
504 Contracting Standards Board ;

505 (b) Purchase, lease or contract for all supplies, materials, equipment  
506 and contractual services required by any state agency, except as  
507 provided in section 4-98 of the general statutes and section 56 of this  
508 act, subject to the provisions of the general statutes and the policies as  
509 set forth by the State Contracting Standards Board;

510 (c) Enforce standard specifications established in accordance with  
511 section 91 of this act.

512       Sec. 14. (NEW) (*Effective from passage*) (a) The Department of  
513       Administrative Services shall establish, in consultation with the State  
514       Contracting Standards Board, and maintain a single electronic portal  
515       available on the World Wide Web and located on the Department of  
516       Administrative Services' website (the "State Contracting Portal") for  
517       purposes of posting all contracting opportunities with state agencies in  
518       the executive branch, the constituent units of the state system of higher  
519       education and quasi-public entities.

520       (b) The State Contracting Portal shall, among other things, include:

521       (1) All requests for bids or proposals, and other solicitations  
522       regardless of the method of source selection, related materials and all  
523       resulting contracts and agreements by state agencies;

524       (2) A searchable database for locating information;

525       (3) Personal Services Agreements, Purchase of Service

526       (4) A State Procurement and Contract Manual or other similar  
527       information designated by the Department of Administrative Services  
528       as describing approved contracting processes and procedures; and,

529       (5) Prominent features to encourage the active recruitment and  
530       participation of small businesses and women and minority owned  
531       enterprises in the State contracting process.

532       (c) All state agencies in the executive branch, the constituent units of  
533       the state system higher education and quasi-public entities shall post  
534       all bids, requests for proposals and all resulting contracts and  
535       agreements on the State Contracting Portal and shall, with the  
536       assistance of the Department of Administrative Services and the  
537       Department of Information Technology as needed, develop the  
538       infrastructure and capability to electronically communicate with the  
539       State Contracting Portal.

540       (d) All state agencies in the executive, the constituent units of the

541 state system higher education and quasi-public entities shall develop  
542 written policies and procedures to ensure that information posted to  
543 the State Contracting Portal is done in a timely, complete and accurate  
544 manner consistent with the highest legal and ethical standards of state  
545 government.

546 (e) The Department of Administrative Services shall periodically  
547 report to the Office of the Governor and the State Contracting  
548 Standards Board on the progress of all state agencies in the executive  
549 branch, the constituent units of the state system higher education and  
550 quasi-public entities, in developing the capacity, infrastructure,  
551 policies and procedures to electronically communicate with the State  
552 Contracting Portal as well as the Department of Administrative  
553 Services' progress toward establishment and maintenance of the State  
554 Contracting Portal.

555 Sec. 15. (NEW) (*Effective July 1, 2008*) Not later than July 1, 2008, the  
556 Commissioner of Administrative Services, with the approval of the  
557 State Contracting Standards Board, shall adopt regulations for the  
558 following purposes:

559 (a) To authorize any agency to purchase directly specified supplies,  
560 materials, equipment and contractual services under prescribed  
561 conditions and procedure;

562 (b) To authorize, in writing, any state agency to purchase, in the  
563 open market without filing a requisition or estimate, specified  
564 supplies, materials or equipment for immediate delivery to meet  
565 emergencies arising from unforeseen causes, including delays by  
566 contractors, delays in transportation and an unanticipated volume of  
567 work, provided a report of any such purchase, with a record of the  
568 competitive quotations upon which it was based and a full account of  
569 the circumstances of the emergency, shall be submitted at once to said  
570 commissioner by the administrative head of the agency concerned and  
571 provided such report shall be entered by him on a record and shall be  
572 open to public inspection;

573 (c) To prescribe the manner in which supplies, materials and  
574 equipment shall be purchased, delivered, stored and distributed;

575 (d) To prescribe the manner of making requisitions and estimates,  
576 the future periods which they are to cover, the form in which they  
577 shall be submitted and the manner of their authentication;

578 (e) To prescribe the manner of inspecting all deliveries of supplies,  
579 materials and equipment and of making chemical and physical tests of  
580 samples submitted with bids or proposals and samples of deliveries to  
581 determine whether or not the specifications are being complied with;

582 (f) To provide for the transfer to or between such state agencies of  
583 supplies, materials and equipment which are surplus with one such  
584 agency but which may be needed by another or others, and for the  
585 disposal by sale of supplies, materials and equipment which are  
586 obsolete or unusable;

587 (g) To prescribe the amount of deposit or bond to be submitted with  
588 a bid or a contract and the amount of deposit or bond to be given for  
589 the faithful performance of a contract;

590 (h) To carry out the provisions of this act pertaining to the award of  
591 contract;

592 (i) To specify the categories of purchases which are not subject to the  
593 competitive bidding requirements of section 56 of this act;

594 (j) To indicate the types of objective criteria that may be used by the  
595 commissioner in determining "lowest responsible qualified bidder" for  
596 the purposes of awarding a contract as set forth in this act;

597 (k) To define the term "minor irregularities" for the purposes of  
598 sections 47(II), 58(f)(4) and 69 of this, provided such term shall not  
599 include (A) variations in the quality, unit price or date of delivery or  
600 completion of supplies, materials, equipment or contractual services or  
601 (B) exceptions to programs required under the general statutes;

602 (l) To provide for any other matters necessary to effect the  
603 provisions of this chapter and the regulations promulgated in  
604 pursuance thereof;

605 (m) To establish policies and procedures for use by agencies in  
606 preparing specifications which will ensure that such specifications  
607 shall not be unreasonably restrictive and shall encourage competition;

608 (n) To determine when the commissioner or his designee may  
609 cancel a procurement;

610 (o) To establish guidelines governing the use of "brand name or  
611 equal" specifications;

612 (p) To establish procedures by which a bidder or proposer may  
613 request reconsideration of an award determination;

614 (q) To establish guidelines governing the use of remanufactured  
615 goods and circumstances under which remanufactured goods must be  
616 used by requesting agencies; and

617 (r) To determine when the commissioner or his designee may  
618 amend or reject a bid specification.

619 Sec. 16. (NEW) (*Effective July 1, 2008*) Neither the Commissioner of  
620 Administrative Services, nor any member of his office staff, nor any  
621 member of the Standardization Committee nor the executive head of  
622 any state agency to whom purchasing authority has been delegated  
623 pursuant to section 40 of this act, nor any member of his office staff,  
624 nor the chief executive officer of a constituent unit of the state system  
625 of higher education or institution within such a constituent unit, nor  
626 any member of his office staff, shall be financially interested, or have  
627 any personal beneficial interest, either directly or indirectly, in any  
628 contract or purchase order for any supplies, materials, equipment or  
629 contractual services furnished to or used by any state agency or, in the  
630 case of the chief executive officer of such a constituent unit or such an  
631 institution or any member of his staff, by any such constituent unit or

632 institution; nor shall such commissioner or member of his staff or  
633 member of the Standardization Committee or executive head or  
634 member of his staff or chief executive officer of such a constituent unit  
635 or institution or any member of his staff accept or receive, directly or  
636 indirectly, from any person, firm or corporation to which any contract  
637 or purchase order may be awarded by the Department of  
638 Administrative Services, any such state agency or any such constituent  
639 unit or institution, as the case may be, by rebate, gifts or otherwise, any  
640 money, or anything of value whatsoever, or any promise, obligation or  
641 contract for future reward or compensation. Any person who violates  
642 any provision of this section shall be fined not more than five hundred  
643 dollars or imprisoned not more than six months or be both fined and  
644 imprisoned.

645       Sec. 17. (NEW) (*Effective July 1, 2008*) When any state contracting  
646 agency purchases or contracts for any supplies, materials, equipment  
647 or contractual services contrary to the provisions of this chapter or the  
648 regulations promulgated in pursuance thereof, such order or contract  
649 shall be void and of no effect. The administrative head of such agency  
650 shall be personally liable for the costs of such order or contract and, if  
651 already paid for out of state funds, the amount thereof may be  
652 recovered from such administrative head by the state in a civil action.

653       Sec. 18. (NEW) (*Effective July 1, 2008*) The Chief Information Officer  
654 shall:

655       (a) Approve or disapprove, in accordance with guidelines  
656 established by the Chief Information Officer and, with respect to  
657 compliance with procurement policy of the State, approved by the  
658 State Contracting Standards Board, each proposed state agency  
659 acquisition of hardware or software for an information or  
660 telecommunication system, except for (A) hardware or software  
661 having a cost of less than twenty thousand dollars or (B) hardware or  
662 software having a cost of twenty thousand dollars or more, but less  
663 than one hundred thousand dollars, which is for a project that

664 complies with the agency's business systems plan as approved by the  
665 Chief Information Officer ; and,

666 (b) Approve or disapprove, in accordance with guidelines  
667 established by the Chief Information Officer and, with respect to  
668 compliance with procurement policy of the State, approved by the  
669 State Contracting Standards Board, all state agency requests or  
670 proposed contracts for consultants for information and  
671 telecommunication systems ; and,

672 (c) Be responsible for purchasing, leasing and contracting for all  
673 information system and telecommunication system facilities,  
674 equipment and services for state agencies, in accordance with the  
675 provisions of section 19 of this act, except for the offices of the  
676 Governor, Lieutenant Governor, Treasurer, Attorney General,  
677 Secretary of the State and Comptroller.

678 (d) The Department of Information Technology shall approve or  
679 disapprove a state agency request or proposed contract under  
680 subdivision (a) or (b) of this section no later than seven business days  
681 after receipt of the request or proposed contract and any necessary  
682 supporting information. If the Department of Information Technology  
683 does not approve or disapprove the request or proposed contract by  
684 the end of such seven-day period, the request or proposed contract  
685 shall be deemed to have been approved. The provisions of said  
686 subdivision (b) shall not apply to telecommunication consultants  
687 retained by the Department of Public Utility Control or the Office of  
688 Consumer Counsel in connection with telecommunication proceedings  
689 of said department.

690 Sec. 19. (NEW) (*Effective from passage*) (a) The provisions of this act  
691 shall apply to the purchasing, leasing and contracting for information  
692 system and telecommunication system facilities, equipment and  
693 services by the Chief Information Officer, except that (1) the Chief  
694 Information Officer shall have the powers and duties that are assigned  
695 by this act to the Commissioner of Administrative Services, and (2) the

696 Chief Information Officer may use competitive negotiation, as defined  
697 in section 47(h) of this act, to purchase or contract for such facilities,  
698 equipment and services after making a written determination,  
699 including the reasons therefor, that such action is in the best interest of  
700 the state. The Chief Information Officer shall adopt regulations, upon  
701 approval of the State Contracting Standards Board, in accordance with  
702 the provisions of this act and chapter 54 of the general statutes,  
703 establishing objective standards for determining when such  
704 competitive negotiation may be used instead of competitive bidding,  
705 including whether the character of the facilities, equipment or services  
706 is more important than their relative cost.

707 (b) (1) As used in this subsection, "information technology personal  
708 property" includes, but is not limited to, electronic data processing  
709 equipment, other equipment necessary for the utilization of  
710 information systems, telecommunication equipment or installations,  
711 and other equipment necessary for the utilization of  
712 telecommunication systems.

713 (2) Notwithstanding any provision of the general statutes to the  
714 contrary, the Chief Information Officer may sell, lease or otherwise  
715 dispose of information technology personal property. The Chief  
716 Information Officer may execute personal service agreements or other  
717 contracts with outside vendors for such purposes. If any such  
718 information technology personal property was purchased or improved  
719 with the proceeds of tax-exempt obligations issued or to be issued by  
720 the state, the Chief Information Officer shall notify the State Treasurer  
721 and obtain the approval of the State Treasurer, before selling, leasing  
722 or disposing of the personal property or executing such an agreement  
723 or contract for such purpose. The State Treasurer may disapprove such  
724 sale, lease, disposition, agreement or contract only if it would affect the  
725 tax-exempt status of such obligations and could not be modified to  
726 maintain such tax-exempt status.

727 Sec. 20. (NEW) (*Effective July 1, 2008*) Each contract, subcontract or



728 amendment to a contract or subcontract shall include any  
729 specifications established by the State Comptroller to ensure that all  
730 policies, procedures, processes and control systems, including  
731 hardware, software and protocols, which are established or provided  
732 by the contractor or subcontractor, shall be compatible with and  
733 support the state's core financial systems, including but not limited to,  
734 accounting, payroll, time and attendance, and retirement systems.

735       Sec. 21. (NEW) (*Effective July 1, 2008*) (a) No contractor shall award a  
736 subcontract for work under a contract or for work under an  
737 amendment to a contract without the approval of the Chief  
738 Information Officer or his designee of (1) the selection of the  
739 subcontractor, and (2) the provisions of the subcontract.

740       (b) Each such contractor shall file a copy of each executed  
741 subcontract or amendment to the subcontract with the Chief  
742 Information Officer, who shall maintain the subcontract or amendment  
743 as a public record, as defined in section 1-200 of the general statutes.

744       Sec. 22. (NEW) (*Effective July 1, 2008*) (a) No contractor or  
745 subcontractor with the Department of Information Technology or  
746 employee or agent of such contractor or subcontractor, shall have any  
747 ownership rights or interest in (1) any public records which the  
748 contractor, subcontractor, employee or agent possesses, modifies or  
749 creates pursuant to a contract, subcontract or amendment to a contract  
750 or subcontract, or (2) any modifications by such contractor,  
751 subcontractor, employee or agent to such public records.

752       (b) No contractor or subcontractor, or employee or agent of a  
753 contractor or subcontractor, shall impair the integrity of any public  
754 records which the contractor, subcontractor, employee or agent  
755 possesses or creates.

756       (c) Public records which a contractor, subcontractor, or employee or  
757 agent of a contractor or subcontractor, possesses, modifies or creates  
758 pursuant to a contract, subcontract or amendment to a contract or

759 subcontract shall at all times and for all purposes remain the property  
760 of the state.

761       Sec. 23. (NEW) (*Effective July 1, 2008*) (a) Any public record which a  
762 state agency provides to a contractor or subcontractor with the  
763 Department of Information Technology shall remain a public record  
764 for the purposes of subsection (a) of section 1-210 of the general  
765 statutes.

766       (b) With regard to any public record, the state agency and the  
767 contractor or subcontractor shall have a joint and several obligation to  
768 comply with the obligations of the state agency under the Freedom of  
769 Information Act, as defined in section 1-200 of the general statutes,  
770 provided the determination of whether or not to disclose a particular  
771 record or type of record shall be made by such state agency.

772       Sec. 24. (NEW) (*Effective July 1, 2008*) No contractor or subcontractor  
773 with the Department of Information Technology, or employee or agent  
774 of such contractor or subcontractor, shall disclose to the public any  
775 public records (1) which it possesses, modifies or creates pursuant to a  
776 contract, subcontract or amendment to a contract or subcontract, and  
777 (2) which the state agency (A) is prohibited from disclosing pursuant  
778 to state or federal law in all cases, (B) may disclose pursuant to state or  
779 federal law only to certain entities or individuals or under certain  
780 conditions, or (C) may withhold from disclosure pursuant to state or  
781 federal law. No provision of this section shall be construed to prohibit  
782 any such contractor from disclosing such public records to any of its  
783 subcontractors to carry out the purposes of its subcontract.

784       Sec. 25. (NEW) (*Effective July 1, 2008*) No contractor or subcontractor  
785 with the Department of Information Technology, or employee or agent  
786 of such contractor or subcontractor, shall sell, market or otherwise  
787 profit from the disclosure or use of any public records which are in its  
788 possession pursuant to a contract, subcontract or amendment to a  
789 contract or subcontract, except as authorized in the contract,  
790 subcontract or amendment.

791       Sec. 26. (NEW) (*Effective July 1, 2008*) Any contractor or  
792 subcontractor with the Department of Information Technology or  
793 employee or agent of such contractor or subcontractor, which learns of  
794 any violation of the provisions of sections 24 or 25 of this act shall, no  
795 later than seven calendar days after learning of such violation, notify  
796 the Chief Information Officer of such violation.

797       Sec. 27. (NEW) (*Effective July 1, 2008*) (a) If any person violates any  
798 provision of sections 24, 25 or 26 of this act, the Attorney General may  
799 bring an action against such person in the superior court for the  
800 judicial district of Hartford seeking (1) damages on behalf of the state  
801 for such violation, (2) restitution for damages suffered by any person  
802 as a result of the violation, or (3) imposition and recovery of a civil  
803 penalty of not more than fifty thousand dollars for the violation.

804       (b) In addition to the remedies under subsection (a) of this section,  
805 any person aggrieved by a violation of any provision of sections 24, 25  
806 or 26 of this act may bring an action in Superior Court to recover any  
807 damages suffered as a result of such violation.

808       (c) In any action brought under subsection (a) or (b) of this section,  
809 the court may (1) order disgorgement of any profits or other benefits  
810 derived as a result of a violation of any provision of section 24, 25 or 26  
811 of this act, (2) award punitive damages, costs or reasonable attorneys  
812 fees, or (3) order injunctive or other equitable relief. Proof of public  
813 interest or public injury shall not be required in any action brought  
814 under subsection (a) or (b) of this section. No action may be brought  
815 under subsection (a) or (b) of this section more than three years after  
816 the occurrence of such violation.

817       (d) Any person who knowingly and wilfully violates any provision  
818 of section 24, 25 or 26 of this act shall, for each such violation, be fined  
819 not more than five thousand dollars or imprisoned not less than one  
820 year nor more than five years, or be both fined and imprisoned.

821       Sec. 28. (NEW) (*Effective July 1, 2008*) Each contract, subcontract with

822 the Department of Information Technology or amendment to such  
823 contract or subcontract shall include provisions ensuring that the Joint  
824 Committee on Legislative Management and each nonpartisan office of  
825 the General Assembly shall continue to have access to state agency  
826 records that is not less than the access that said committee and such  
827 offices have on July 1, 1997.

828       Sec. 29. (NEW) (*Effective July 1, 2008*) The Joint Committee on  
829 Legislative Management and the Chief Information Officer may, by  
830 interagency agreement, provide for the General Assembly (1) to  
831 receive information system and telecommunication system facilities,  
832 equipment and services pursuant to contracts, subcontracts or  
833 amendments to contracts or subcontracts, and (2) to interconnect with  
834 state agency information systems and telecommunication systems.

835       Sec. 30. (NEW) (*Effective July 1, 2008*) The Chief Court Administrator  
836 and the Chief Information Officer may, by interagency agreement,  
837 provide for the Judicial Department (1) to receive information system  
838 and telecommunication system facilities, equipment and services  
839 pursuant to contracts, subcontracts or amendments to contracts or  
840 subcontracts, and (2) to interconnect with state agency information  
841 systems and telecommunication systems.

842       Sec. 31. (NEW) (*Effective July 1, 2008*) The Office of the Governor,  
843 Lieutenant Governor, Treasurer, Attorney General, Secretary of the  
844 State or Comptroller and the Chief Information Officer may, by  
845 interagency agreement, provide for such office (1) to receive  
846 information system and telecommunication system facilities,  
847 equipment and services pursuant to contracts, subcontracts or  
848 amendments to contracts or subcontracts, and (2) to interconnect with  
849 other state agency information systems and telecommunication  
850 systems.

851       Sec. 32. (NEW) (*Effective July 1, 2008*) Each contract, subcontract with  
852 the Department of Information Technology or amendment to such  
853 contract or subcontract shall include provisions ensuring continuity of

854 state agency information system and telecommunication system  
855 facilities, equipment and services, in the event that work under such  
856 contract, subcontract or amendment is transferred back to the state or  
857 transferred to a different contractor, upon the expiration or  
858 termination of the contract, subcontract or amendment or upon the  
859 default of the contractor or subcontractor. Such provisions shall  
860 include, but not be limited to, (1) procedures for the orderly transfer to  
861 the state of (A) such facilities and equipment, (B) all software created  
862 or modified pursuant to the contract, subcontract or amendment, and  
863 (C) all public records, as defined in this act, which the contractor or  
864 subcontractor possesses or creates pursuant to such contract,  
865 subcontract or amendment, and (2) procedures for granting former  
866 state employees who were hired by such contractor or subcontractor  
867 the opportunity for reemployment with the state.

868       Sec. 33. (NEW) (*Effective July 1, 2008*) (a) No contracts or  
869 amendments to contracts for information system or telecommunication  
870 system facilities, equipment or services, which are entered into by any  
871 state agency (1) pursuant to the request for proposal issued by the  
872 Department of Administrative Services dated February 21, 1997, or (2)  
873 in the event such request for proposal is withdrawn, suspended or  
874 superseded, pursuant to any similar request for proposal issued by the  
875 Department of Administrative Services or the Department of  
876 Information Technology, shall be effective except as provided in this  
877 section and sections 34 and 35 of this act.

878       (b) Upon the execution of any such contract or amendment, and  
879 upon the execution of any subsequent contract or amendment, the  
880 state agency shall promptly file the contract or amendment with the  
881 State Auditors.

882       (c) Not later than seventy-five days after any such contract or  
883 amendment is filed with the State Auditors, such auditors (1) shall  
884 conduct an independent evaluation of the contract or amendment to  
885 determine whether the provisions of the contract or amendment serve

886 the best interests of the state, including, but not limited to, (A)  
887 efficiency, (B) economy, (C) contractor qualifications, including, but  
888 not limited to, capacity for performance and accountability, and (D)  
889 effective delivery of services, and (2) shall submit a report on their  
890 findings and conclusions, and the contract or amendment, to the  
891 General Assembly, through the clerks of the House of Representatives  
892 and the Senate. The State Auditors may, at any time before or after  
893 receipt of any such contract or amendment, execute contracts with  
894 independent consultants for assistance in conducting such evaluation  
895 and preparing such report.

896 (d) Upon receipt of a report and a contract or amendment from the  
897 State Auditors under subsection (c) of this section, the speaker of the  
898 House of Representatives and the president pro tempore of the Senate  
899 shall refer the report and contract or amendment to the joint standing  
900 committees of the General Assembly having cognizance of matters  
901 relating to appropriations and the budgets of state agencies and  
902 government administration, for their review. Such contract or  
903 amendment shall take effect forty-five days after the State Auditors  
904 submit the report and contract or amendment to the General Assembly  
905 unless the General Assembly rejects such contract or amendment as a  
906 whole by a three-fifths vote of either house.

907 Sec. 34. (NEW) (*Effective July 1, 2008*) (a) No business entity or  
908 individual shall be awarded a contract or amendment to a contract  
909 which is subject to the provisions of section 33 of this act, if the  
910 business entity or individual directly or indirectly participates in any  
911 of the following activities on behalf of the state concerning such  
912 contract or amendment or any other contract or amendment to a  
913 contract for state agency information system or telecommunication  
914 system facilities, equipment or services:

915 (1) Preparation of the request for information or request for  
916 proposals;

917 (2) Development of bid specifications or proposal requirements,

918 (3) Evaluation of bids or proposals, or

919 (4) Negotiations with potential contractors.

920 (b) No business entity or individual who is awarded any such  
 921 contract or amendment may award a subcontract for any work under  
 922 such contract or amendment to any business entity or individual who  
 923 has participated in any of such activities listed in subsection (a) of this  
 924 section.

925 Sec. 35. (NEW) (*Effective July 1, 2008*) With respect to any state  
 926 employee whose position is eliminated or who is laid off as a result of  
 927 any contract or amendment to a contract which is subject to the  
 928 provisions of this chapter and subsection (e) of section 1-205,  
 929 subsection (c) of section 1-211, subsection (b) of section 1-212, section 4-  
 930 5, 4a-50, section 13(b) and (c) of this act, subsection (b) of section 56 of  
 931 this act, subsection (a) of section 10a-151b, subsection (a) of section 19a-  
 932 110 or subsection (b) of section 32-6i, or any subcontract for work  
 933 under such contract or amendment, (1) the contractor shall hire the  
 934 employee, upon application by the employee, unless the employee is  
 935 hired by a subcontractor of the contractor, or (2) the employee may  
 936 transfer to any vacant position in state service for which such  
 937 employee is qualified, to the extent allowed under the provisions of  
 938 existing collectively bargained agreements and the general statutes. If  
 939 the contractor or any such subcontractor hires any such state employee  
 940 and does not provide the employee with fringe benefits which are  
 941 equivalent to, or greater than, the fringe benefits that the employee  
 942 would have received in state service, the state shall, for two years after  
 943 the employee terminates from state service, provide to the employee  
 944 either (A) the same benefits that such employee received from the  
 945 state, or (B) compensation in an amount which represents the  
 946 difference in the value of the fringe benefits that such employee  
 947 received when in state service and the fringe benefits that such  
 948 employee receives from the contractor or subcontractor.

949 Sec. 36. (NEW) (*Effective July 1, 2008*) No contract or subcontract for

950 state agency information system or telecommunication system  
951 facilities, equipment or services may be awarded to any business entity  
952 or individual pursuant to this chapter or subsection (e) of section 1-205,  
953 subsection (c) of section 1-211, subsection (b) of section 1-212, section 4-  
954 5, subsection (a) of section 10a-151b, subsection (a) of section 19a-110  
955 or subsection (b) of section 32-6i of the general statutes if such business  
956 entity or individual previously had a contract with the state or a state  
957 agency to provide information system or telecommunication system  
958 facilities, equipment or services and such prior contract was finally  
959 terminated by the state or a state agency within the previous five years  
960 for the reason that such business entity or individual failed to perform  
961 or otherwise breached a material obligation of the contract related to  
962 information system or telecommunication system facilities, equipment  
963 or services. If the termination of any such previous contract is  
964 contested in an arbitration or judicial proceeding, the termination shall  
965 not be final until the conclusion of such arbitration or judicial  
966 proceeding. If the fact-finder determines, or a settlement stipulates,  
967 that the contractor failed to perform or otherwise breached a material  
968 obligation of the contract related to information system or  
969 telecommunication system facilities, equipment or services, any award  
970 of a contract pursuant to said chapter or sections during the pendency  
971 of such arbitration or proceeding shall be rescinded and the bar  
972 provided in this section shall apply to such business entity or  
973 individual.

974       Sec. 37. (NEW) (*Effective July 1, 2008*) In addition to those powers set  
975 forth in section 4b-1 of the general statutes, the Commissioner of Public  
976 Works shall (1) select consultant firms in accordance with the  
977 provisions of sections 132 to 135, inclusive, of this act, to assist in the  
978 development of plans and specifications, when in the commissioner's  
979 judgment such assistance is desirable; and (2) be responsible for the  
980 purchase, sale, lease, sublease and acquisition of property and space to  
981 house state agencies and, subject to the provisions of section 4b-21 of  
982 the general statutes, the sale or exchange of any land or interest in land  
983 belonging to the state.



984       Sec. 38. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of  
985       Transportation shall have power, in order to aid or promote the  
986       operation, whether temporary or permanent, of any transportation  
987       service operating to, from or in the state, to contract in the name of the  
988       state with any person, including but not limited to any common  
989       carrier, any transit district formed under chapter 103a of the general  
990       statutes or any special act, or any political subdivision or entity, or  
991       with the United States or any other state, or any agency,  
992       instrumentality, subdivision, department or officer thereof, for  
993       purposes of initiating, continuing, developing, providing or improving  
994       any such transportation service.

995       (1) Such contracts may include provision for arbitration of disputed  
996       issues.

997       (2) The commissioner, in order to aid or promote the operation of  
998       any transportation service operating outside the state, may contract in  
999       the name of the state with any person, including, but not limited to,  
1000       any common carrier, or with the United States or any other state, or  
1001       any agency, instrumentality, subdivision, department or officer  
1002       thereof, for purposes of providing any transportation service in the  
1003       event such assistance is required in the case of an emergency or a  
1004       special event. The state, acting by and through the commissioner, may,  
1005       by itself or in concert with others, provide all or a portion of any such  
1006       service, share in the costs of or provide funds for such service, or  
1007       furnish equipment or facilities for use in such service upon such terms  
1008       and conditions as the commissioner may deem necessary or advisable,  
1009       and any such contracts may include, without limitation thereto,  
1010       arrangements under which the state shall so provide service, share  
1011       costs, provide funds or furnish equipment or facilities.

1012       (3) To these ends, the commissioner may in the name of the state  
1013       acquire or obtain the use of facilities and equipment employed in  
1014       providing any such service by gift, purchase, lease or other  
1015       arrangements and may own and operate any such facilities and

1016 equipment and establish, charge and collect such fares and other  
1017 charges or arrange for such collection for the use or services thereof as  
1018 he may deem necessary, convenient or desirable.

1019 (4) The commissioner may also acquire title in fee simple to, or any  
1020 lesser estate, interest or right in, any rights-of-way, properties or  
1021 facilities, including properties used on or before October 1, 1969, for  
1022 rail or other forms of transportation services. The commissioner may  
1023 hold such properties for future use by the state and may enter into  
1024 agreements for interim use of such properties for other purposes.

1025 (5) Any person contracting with the state pursuant to this section for  
1026 the provision of any transportation service shall not be considered an  
1027 arm or agent of the state. Any damages caused by the operation of  
1028 such transportation service by such person may be recovered in a civil  
1029 action brought against such person in the superior court and such  
1030 person may not assert the defense of sovereign immunity in such  
1031 action.

1032 (b) The Commissioner of Transportation shall, in the name of the  
1033 state, have power to apply for and to receive and accept grants of  
1034 property, money and services and other assistance offered or made  
1035 available by any person, any transit district or political subdivision or  
1036 entity, or any other agency, governmental or private, including the  
1037 United States or any of its agencies and instrumentalities, which he  
1038 may use to meet capital or operating expenses and for any other  
1039 purpose in furtherance of his powers and duties under this section and  
1040 sections 13b-35 to 13b-36, inclusive, and 13b-38, of the general statutes  
1041 and to negotiate for and contract regarding the same upon such terms  
1042 and conditions as he may deem necessary or advisable.

1043 (c) When necessary or desirable in the performance of his powers  
1044 and duties under this section and sections 13b-36 to 13b-38, inclusive,  
1045 of the general statutes the Commissioner of Transportation shall, in the  
1046 name of the state, have power:

1047 (1) To hire, lease, acquire and dispose of property to the extent  
1048 necessary to carry out his powers and duties hereunder; and

1049 (2) To contract to perform services for any person, any transit  
1050 district or other political subdivision or entity, or with any other  
1051 agency, governmental or private, and to accept compensation or  
1052 reimbursement therefor.

1053 (d) The Commissioner of Transportation may be assisted in the  
1054 performance of his powers and duties under this section by the  
1055 Connecticut Transportation Authority, and may delegate specific  
1056 powers and duties to it. The commissioner shall perform his powers  
1057 and duties in compliance with the provisions of this act, to the extent  
1058 that such provisions do not conflict with applicable federal law where  
1059 federal funds are involved, and shall utilize the services of the State  
1060 Contracting Standards Board with regard thereto.

1061 (e) The Commissioner of Transportation shall have the power to aid  
1062 and assist transit districts pursuant to section 13b-38 of the general  
1063 statutes.

1064 (f) The Commissioner of Transportation, in the name of the state,  
1065 shall have the power to enter into leases with respect to transportation  
1066 equipment and facilities for the purpose of obtaining payments based  
1067 on the tax benefits associated with the ownership or leasing of such  
1068 equipment and facilities. In connection with any such lease, the  
1069 commissioner, in the name of the state, shall have the power to sell,  
1070 repurchase and sublease any such equipment or facilities, to place  
1071 deposits or investments with financial institutions to defease rental or  
1072 repurchase obligations and to enter into related agreements with  
1073 parties selected by and on terms deemed reasonable by the  
1074 commissioner in accordance with the provisions of this act, to the  
1075 extent that such provisions do not conflict with applicable federal law  
1076 where federal funds are involved All net payments received by the  
1077 state pursuant to any such lease or related agreement shall be credited  
1078 to the Special Transportation Fund, the Infrastructure Improvement

1079 Fund, the Department of Transportation operating accounts, or to the  
1080 Department of Transportation as required pursuant to United States  
1081 Department of Transportation approval of the lease.

1082 (1) Any such lease or related agreement may include provisions for  
1083 the state, as lessee, to indemnify and hold harmless the lessors or other  
1084 parties to any such lease or related agreement.

1085 (2) Any such lease or related agreement may provide for the state to  
1086 purchase insurance or surety bonds or to obtain letters of credit from  
1087 financial institutions when deemed in the best interests of the state by  
1088 the commissioner.

1089 (3) Any such lessor or other party to any such related agreement  
1090 may bring a civil action to recover damages arising directly from and  
1091 subject to any such lease or related agreement. No such action shall be  
1092 brought except within one year from the date the right of action  
1093 accrues. Any such civil action shall be brought in the superior court for  
1094 the judicial district of Hartford. The jurisdiction conferred upon the  
1095 Superior Court by this section includes any set-off, claim or demand  
1096 whatever on the part of the state against any plaintiff commencing an  
1097 action under this section. Such action shall be tried to the court without  
1098 a jury. All legal defenses except governmental immunity shall be  
1099 reserved to the state.

1100 (4) Any such lease or related agreement shall be subject to the  
1101 approval of the Attorney General.

1102 (g) If the Commissioner of Transportation deems it to be in the best  
1103 interest of the state, the commissioner may include in any contract  
1104 with the National Railroad Passenger Corporation pursuant to  
1105 subsection (a) of this section, provisions for the state to indemnify and  
1106 hold harmless said corporation, and for such purpose to provide for  
1107 the state to purchase insurance with a deductible clause, surety bonds  
1108 or to obtain letters of credit from financial institutions. Said  
1109 corporation may bring a civil action based on the contract to recover

1110 damages arising directly from and subject to any such contract.  
1111 Notwithstanding the provisions of section 52-576 of the general  
1112 statutes, no such action shall be brought except within one year from  
1113 the date the right of action accrues. Any such civil action shall be  
1114 brought in the superior court for the judicial district of Hartford. The  
1115 jurisdiction conferred on the Superior Court by this section includes  
1116 any set-off, claim or demand on the part of the state against the said  
1117 corporation commencing such action. Such action shall be tried to the  
1118 court without a jury. All legal defenses except governmental immunity  
1119 shall be reserved to the state.

1120       Sec. 39. (NEW) (*Effective July 1, 2008*) Subject to the limitations  
1121 referred to in section 13a-32 of the general statutes, the Commissioner  
1122 of Transportation is authorized:

1123       (a) To plan, design, lay out, construct, reconstruct, relocate,  
1124 improve, maintain and operate the project, and reconstruct and  
1125 relocate existing highways, sections of highways, bridges or structures  
1126 and incorporate or use the same, whether or not so reconstructed or  
1127 relocated or otherwise changed or improved, as parts of the project,  
1128 and, to that end, to do and perform with respect to the project any act  
1129 or thing which is mentioned or referred to in subsection (a) of section  
1130 13a-239 of the general statutes;

1131       (b) To retain and employ consultants and assistants on a contract or  
1132 other basis for rendering professional, legal, fiscal, engineering,  
1133 technical or other assistance and advice, subject to the provisions of  
1134 this act, to the extent that such provisions do not conflict with  
1135 applicable federal law where federal funds are involved;

1136       (c) To limit ingress to or egress from, and establish regulations for  
1137 the use of, the project; and

1138       (d) To do all things necessary or convenient to carry out the  
1139 purposes and duties and exercise the powers expressly given in  
1140 sections 13a-32 to 13a-35, inclusive, 13a-127, 13a-160 and 13a-239 to

1141 13a-246, inclusive, of the general statutes. Except as otherwise stated in  
1142 section 13a-32 of the general statutes, nothing contained in sections  
1143 13a-33, 13a-34, 13a-35, 13a-127, 13a-160 and 13a-239 to 13a-246,  
1144 inclusive, of the general statutes shall be construed to limit or restrict,  
1145 with respect to the project, any power, right or authority of the  
1146 commissioner existing under or pursuant to any other law.

1147 Sec. 40. (NEW) (*Effective July 1, 2008*) (a) Notwithstanding the  
1148 provisions of sections 13(b) and (c) or 15 of this act, the chief executive  
1149 officer of each constituent unit of the state system of higher education  
1150 or, in the case of the Connecticut State University system, the chief  
1151 executive officer of a state university, is authorized to purchase  
1152 supplies, materials, equipment, contractual services, as defined in  
1153 section 47(p) of this act, execute personal service agreements as  
1154 defined in section 47(qq) of this act, lease personal property in  
1155 accordance with section 10a-151b of the general statutes, and  
1156 undertake printing, publishing and microfilming for such constituent  
1157 unit or institution. The provisions of sections 4-212 to 4-219, inclusive,  
1158 of the general statutes and section 9 of public act 93-336\* shall not  
1159 apply to personal service agreements executed pursuant to this section.

1160 (b) Notwithstanding the provisions of sections 13(b) and (c) and 15  
1161 of this act, the Commissioner of Administrative Services may delegate  
1162 authority to any state agency to purchase supplies, materials,  
1163 equipment and contractual services, consistent with section 97 of this  
1164 act, if the commissioner determines, in writing, that (1) such delegation  
1165 would reduce state purchasing costs or result in more efficient state  
1166 purchasing, and (2) the agency has employees with experience and  
1167 expertise in state purchasing statutes, regulations and procedures. In  
1168 determining which agencies to delegate such purchasing authority to,  
1169 the commissioner shall give preference to agencies which have  
1170 exceeded the set-aside requirements of section 179 of this act. An  
1171 agency to which such authority is delegated shall comply with all such  
1172 statutes, regulations and procedures and shall submit annual reports  
1173 to the Commissioner of Administrative Services on its purchase orders,

1174 in a format prescribed by the commissioner. The Commissioner of  
1175 Administrative Services or his designee shall periodically review each  
1176 such delegation of purchasing authority and may revoke or modify a  
1177 delegation upon determining that the agency has violated any  
1178 provision of the delegation or that there is evidence of insufficient  
1179 competition in the competitive bidding or competitive negotiation  
1180 process. Not later than October 1, 1996, and annually thereafter, the  
1181 commissioner shall submit a report to the joint standing committee of  
1182 the General Assembly having cognizance of matters relating to  
1183 government administration, which shall, for the preceding fiscal year,  
1184 (A) list the agencies exercising delegated purchasing authority, and (B)  
1185 summarize the types of contracts entered into by such agencies  
1186 pursuant to such delegated authority and the purchasing efficiencies  
1187 realized from the delegated authority.

1188       Sec. 41. (NEW) (*Effective July 1, 2008*) Notwithstanding any  
1189 provision of the general statutes to the contrary, a constituent unit of  
1190 the state system of higher education or an institution of the  
1191 Connecticut State University system, may purchase, by negotiation,  
1192 supplies, materials, equipment and contractual services, as defined in  
1193 section 47(p) of this act, for the constituent unit or institution, as  
1194 appropriate, when the supplies, materials, equipment or contractual  
1195 services (1) are required to implement a grant, contract or financial  
1196 agreement between the constituent unit or institution, as appropriate,  
1197 and the donor of funds or other things of value which are given with  
1198 an obligation for service primarily to the donor by the constituent unit  
1199 or institution, as appropriate, and (2) are specified in such grant,  
1200 contract or financial agreement.

1201       Sec. 42. (NEW) (*Effective July 1, 2008*) (a) Notwithstanding the  
1202 provisions of chapter 58, and sections 4-98, 4a-4, 4a-5, 4a-6, 4d-2, and  
1203 4d-5 of the general statutes to the contrary, a chief executive officer  
1204 may purchase equipment, supplies and contractual services, execute  
1205 personal service agreements, as defined in section 4-212 of the general  
1206 statutes, or lease personal property compatible, where relevant, with

1207 standards for computer architecture established by the Department of  
1208 Information Technology, without the approval of the Comptroller, the  
1209 Commissioner of Administrative Services or the Chief Information  
1210 Officer, provided the Chief Executive Officer consults with the Chief  
1211 Information Officer and such purchases are made in accordance with  
1212 this section and in accordance with policies which are (1) adopted by  
1213 the board of trustees of the constituent unit after reasonable  
1214 opportunity for interested persons to present their views, and (2)  
1215 subject to section 4-175 of the general statutes. For purposes of this  
1216 section, "chief executive officer" means the chief executive officer of a  
1217 constituent unit of the state system of higher education or the chief  
1218 executive officer of an institution within the jurisdiction of such a  
1219 constituent unit. The provisions of sections 4-212 to 4-219, inclusive, of  
1220 the general statutes and section 9 of public act 93-336\* shall not apply  
1221 to personal service agreements executed pursuant to this section.

1222 (b) Purchases made pursuant to this section shall be based, when  
1223 possible, on competitive bids or competitive negotiation. Such chief  
1224 executive officer shall solicit competitive bids or proposals by sending  
1225 notice to prospective suppliers and by posting notice on a public  
1226 bulletin board in his office. Such notice shall contain a notice of state  
1227 contract requirements pursuant to this act. Each bid or proposal shall  
1228 be kept sealed until opened publicly at the time stated in the notice  
1229 soliciting such bid or proposal. Sealed bids or proposals shall include  
1230 bids or proposals sealed within an envelope or maintained within a  
1231 safe and secure electronic environment until such time as they are  
1232 publicly opened. If the amount of the expenditure is estimated to  
1233 exceed fifty thousand dollars, competitive bids or proposals shall be  
1234 solicited by public notice inserted at least once in two or more  
1235 publications, at least one of which shall be a major daily newspaper  
1236 published in the state, and shall be posted on the Internet, and at least  
1237 five calendar days before the final date of submitting bids or  
1238 proposals. All purchases fifty thousand dollars or less in amount shall  
1239 be made in the open market, but shall, when possible, be based on at  
1240 least three competitive quotations. If desired by the constituent unit,



1241 competitive quotations may include quotations submitted to the  
1242 constituent unit within a safe and secure electronic environment. The  
1243 constituent unit shall not refuse to consider a bid, proposal or  
1244 quotation because it is not submitted electronically.

1245 (c) Notwithstanding the provisions of subsection (b) of this section  
1246 to the contrary, competitive bidding or competitive negotiation is not  
1247 required in the case of minor purchases of ten thousand dollars or less  
1248 in amount or in the case of emergency purchases. Whenever an  
1249 emergency exists by reason of extraordinary conditions or  
1250 contingencies that could not reasonably be foreseen and guarded  
1251 against, or because of unusual trade or market conditions, the chief  
1252 executive officer may, if it is for the best interest of the state, make  
1253 purchases without competitive bidding. A statement of all emergency  
1254 purchases made under the provisions of this subsection shall be set  
1255 forth in the annual report of the chief executive officer.

1256 (d) Nothing in this section shall exempt a constituent unit or chief  
1257 executive officer from complying with the provisions of sections 175  
1258 and 183 of this act.

1259 (e) No person, firm or corporation disqualified pursuant to section  
1260 114 of this act from bidding on contracts may bid pursuant to this  
1261 section.

1262 (f) A chief executive officer who enters into a contract under this  
1263 section which fails to meet the requirements of this section shall be  
1264 personally liable for the costs of such contract and such contract shall  
1265 be void and of no effect. Any amount paid under such contract may be  
1266 recovered from such chief executive officer by the state in a civil action.

1267 (g) Nothing in this section shall be construed to prevent a chief  
1268 executive officer from participating in a contract for the purchase of  
1269 equipment, supplies or services with the Department of  
1270 Administrative Services pursuant to chapter 58 of the general statutes.

1271 (h) Nothing in this section shall be construed to prevent a  
1272 constituent unit from entering into a corporate sponsorship agreement  
1273 which contains provisions for the barter of goods and services,  
1274 provided such agreement is entered into in accordance with policies  
1275 and procedures governing such agreements pursuant to subsection (a)  
1276 of this section.

1277 (i) For the period from July 1, 2002, to June 30, 2006, inclusive, any  
1278 funds or revenues collected from ticket sales by the contractor hired by  
1279 Western Connecticut State University to operate and manage its  
1280 O'Neill Center, shall not be deemed to be state funds for the purposes  
1281 of sections 4-32 and 4-33 of the general statutes and may be deposited  
1282 in the contractor's account for a period of time not to exceed forty days,  
1283 during which time the contractor shall pay all expenses related to the  
1284 event for which the tickets were sold and make an accounting of the  
1285 portion of the funds to be remitted to the university, and then remit  
1286 such funds to the university pursuant to the terms of the contract.  
1287 Upon receipt of such funds, the university shall deposit such funds in  
1288 accordance with the provisions of sections 4-32 and 4-33 of the general  
1289 statutes.

1290 (j) Notwithstanding the provisions of subsections (a) and (b) of this  
1291 section, a chief executive officer may not extend a contract with a value  
1292 of fifty thousand dollars or more per year to perform janitorial,  
1293 building maintenance, security or food and beverage services unless:  
1294 (1) Such contract is in effect on May 1, 2005; (2) such extension is for a  
1295 period of one year from the date such contract would otherwise expire;  
1296 and (3) any such extension includes any applicable increase in the  
1297 standard wage and the payroll burden to administer the standard  
1298 wage, as established by the Labor Department.

1299 Sec. 43. (NEW) (*Effective July 1, 2008*) No contract or agreement shall  
1300 be made for the labor or services of inmates of any correctional or  
1301 other state institution in the manufacture of goods or any portion of  
1302 such manufacture, or for the product of such labor or services, except

1303 after public notice, by advertising in at least three daily papers having  
1304 a circulation in different sections of the state, calling for sealed  
1305 proposals or bids for such labor, or the product thereof, and such  
1306 proposal or bid, received in accordance with such notice, as is by its  
1307 terms most advantageous to the state shall be accepted by the  
1308 authorities in charge of the disposal of such labor, or the product  
1309 thereof, and such contract or agreement shall be made in accordance  
1310 with the terms of such notice and such proposal or bid, in accordance  
1311 with the provisions of this act. No such contract or agreement shall be  
1312 made for any period exceeding four years. The provisions of this  
1313 section shall not apply to section 18-88 of the general statutes.

1314 Sec. 44. (NEW) (*Effective July 1, 2008*) (a) This chapter shall be  
1315 construed and applied to promote the underlying purposes and  
1316 objectives pertaining to the Uniform Procurement Code, as set forth in  
1317 the statutes and herein.

1318 (b) The underlying purposes and objectives of this chapter are to:

1319 (1) Establish uniform contracting standards and practices among the  
1320 various state contracting agencies in order to foster effective broad-  
1321 based competitive values and protocols;

1322 (2) Simplify and clarify the state's laws governing contracting  
1323 standards and the state's procurement policies and practices,  
1324 including, but not limited to, procedures for competitive sealed bids,  
1325 competitive sealed proposals, special procurements, best value  
1326 selection, qualification-based selection and the conditions for their use;

1327 (3) Permit the continued development of the best Procurement  
1328 practices by the state and to provide for increased public confidence in  
1329 the procedures followed in public Procurement by the state by  
1330 providing safeguards for the maintenance of a procurement system of  
1331 quality and integrity;

1332 (4) Ensure the fair and equitable treatment of all businesses and

- 1333 persons who deal with the procurement system of the state;
- 1334 (5) Include a process to maximize the use of small contractors and  
1335 minority business enterprises, as defined in section 179 of this act;
- 1336 (6) Ensure that the procurement of supplies, materials, equipment,  
1337 services, real property and construction required by any is obtained in  
1338 a cost-effective and responsive manner;
- 1339 (7) Provide increased economy in State procurement activities and  
1340 to maximize, to the fullest extent practicable, the purchasing value of  
1341 public funds expended by the State, taking into account, where  
1342 applicable, performance and cost of Contracts and Purchase Orders;
- 1343 (8) Preserve and maintain the existing contracting, procurement,  
1344 disqualification and termination authority and discretion of any state  
1345 contracting agency when such contracting and procurement  
1346 procedures represent best practices;
- 1347 (9) Include a process to improve contractor and state contracting  
1348 agency accountability; and
- 1349 (10) Establish standards for leases and lease-purchase agreements  
1350 and for the purchase and sale of real estate.
- 1351 Sec. 45. (NEW) (*Effective July 1, 2008*) This Code requires all parties  
1352 involved in the negotiation, performance, or administration of state  
1353 contracts to act in good faith.
- 1354 Sec. 46. (NEW) (*Effective July 1, 2008*) (a) This Code applies to  
1355 contracts solicited or entered into after the effective date of this section.
- 1356 (b) Except as otherwise provided in this act, this Code shall apply to  
1357 every expenditure of public funds irrespective of their source,  
1358 involving any state contracting and procurement processes, including,  
1359 but not limited to, leasing and property transfers, purchasing or  
1360 leasing of supplies, materials or equipment, consultant or consultant

1361 services, personal service agreements, purchase of service agreements  
1362 or privatization contracts, as set forth in this act; and, relating to  
1363 contracts for the construction, reconstruction, alteration, remodeling,  
1364 repair or demolition of any public building.

1365 (c) Nothing in this section shall be construed to require the  
1366 application of uniform procurement code procedures when such  
1367 procurement involves the expenditure of federal assistance or contract  
1368 funds and federal law provides applicable procurement procedures to  
1369 the extent such procedures are inconsistent with the uniform  
1370 procurement code.

1371 (d) Notwithstanding the provisions of this act, on or after July 1,  
1372 2009, the provisions of this act shall apply to quasi-publics and the  
1373 constituent units of the state system of higher education.

1374 (e) Notwithstanding the provisions of this act, on or after July 1,  
1375 2010, the provisions of this act shall apply to municipalities, political  
1376 subdivisions and municipal district commissions procurement  
1377 processes that utilize state funds.

1378 (f) All political subdivisions and other local public agencies of this  
1379 state may adopt all or any part of this Code and its accompanying  
1380 regulations.

1381 Sec. 47. (NEW) (*Effective July 1, 2008*) The phrases defined in this  
1382 section shall have the meanings set forth below whenever they appear  
1383 in this Code, unless the context in which they are used clearly requires  
1384 a different meaning, or a different definition is prescribed for a  
1385 particular section or provision.

1386 (a) "Award authority" means the authority granted to a state  
1387 contracting agency either by the Commissioner of Administrative  
1388 Services, the Chief Information Officer or as otherwise provided by  
1389 law to permit state contracting agencies to make direct purchases of  
1390 the supplies, materials, equipment or contractual services, including

1391 procurement for infrastructure facilities and services, listed from the  
1392 sources specified without prior approval of the Commissioner or the  
1393 Chief Information Officer;

1394 (b) "Best value selection" means a contract selection process in  
1395 which the award of a contract is based on a combination of quality,  
1396 cost and other factors;

1397 (c) "Bid" means an offer, submitted in response to an invitation to  
1398 bid, to furnish supplies, materials, equipment, construction or  
1399 contractual services to the state under certain prescribed conditions at  
1400 a stated price;

1401 (d) "Bidder" means a person, firm or corporation submitting a  
1402 competitive bid in response to a solicitation pursuant to section 52 of  
1403 this act;

1404 (e) "Business" means any individual or sole proprietorship,  
1405 partnership, firm, corporation, trust, limited liability company, limited  
1406 liability partnership, joint stock company, joint venture or other legal  
1407 entity through which business for profit or not for profit is conducted;

1408 (f) "Change order" means a written order signed by the designated  
1409 official, assigned by the department head, directing the contractor to  
1410 make changes which the changes clause of the contract authorizes the  
1411 designated officer to order without the consent of the contractor;

1412 (g) "Competitive bidding" means the submission of prices by  
1413 persons, firms or corporations competing for a contract to provide  
1414 supplies, materials, equipment or contractual services, under a  
1415 procedure in which the contracting authority does not negotiate prices,  
1416 as set forth in this act;

1417 (h) "Competitive negotiation" means a procedure for contracting for  
1418 supplies, materials, equipment, contractual services and personal  
1419 service contractors, in which (A) proposals are solicited from qualified  
1420 suppliers by a request for proposals, and (B) changes may be

1421 negotiated in proposals and prices after being submitted;

1422 (i) "Consultant" means (1) any architect, professional engineer,  
1423 landscape architect, land surveyor, accountant, interior designer,  
1424 environmental professional or construction administrator, who is  
1425 registered or licensed to practice such person's profession in  
1426 accordance with the applicable provisions of the general statutes, or (2)  
1427 any planner or any environmental, management or financial specialist;

1428 (j) "Consultant services" shall include those professional services  
1429 rendered by architects, professional engineers, landscape architects,  
1430 land surveyors, accountants, interior designers, environmental  
1431 professionals, construction administrators, planners or environmental,  
1432 management or financial specialists, as well as incidental services that  
1433 members of these professions and those in their employ are authorized  
1434 to perform;

1435 (k) "Construction" means the process of building, altering, repairing,  
1436 improving, or demolishing any public infrastructure facility, including  
1437 any public structure, public building, or other public improvements of  
1438 any kind to state property or other property or space in which the state  
1439 has an interest. It does not include the routine operation, routine  
1440 repair, or routine maintenance of any existing public infrastructure  
1441 facility, including structures, buildings or real property. "Construction  
1442 item" means commodities or services involved in the process of  
1443 building, designing, altering or repairing a public structure or  
1444 building, or other improvements to any state property. It does not  
1445 include routine operation, routine repair or routine maintenance of  
1446 existing structures, buildings or property;

1447 (l) "Contract" or "state contract" means an agreement or a  
1448 combination or series of agreements between a state agency or quasi-  
1449 public agency and a person, firm or corporation for:

1450 (1) A project for the construction, reconstruction, alteration,  
1451 remodeling, repair or demolition of any public building or public

1452 work;

1453 (2) Services, including, but not limited to, consulting and  
1454 professional services ("Contractual Services");

1455 (3) The acquiring or disposing of all manner of real and personal  
1456 property;

1457 (4) Goods and services, including but not limited to, using purchase  
1458 of services contracts and personal service agreements;

1459 (5) Transactions involving information technology, state agency  
1460 information system or telecommunication system facilities, equipment  
1461 or services, which is awarded pursuant to this act or subsection (e) of  
1462 section 1-205, subsection (c) of section 1-211, subsection (b) of section 1-  
1463 212, section 4-5, section 42 of this act, subsection (a) of section 19a-110  
1464 or subsection (b) of section 32-6i of the general statutes;

1465 (6) A lease; or

1466 (7) A licensing agreement, and includes all government functions  
1467 that relate to such activities.

1468 The term "contract" or "state contract" shall not include a contract  
1469 between a state agency or a quasi-public agency and a political  
1470 subdivision of the state. The term "term contract" means the agreement  
1471 reached when the state accepts a bid or proposal to furnish supplies,  
1472 materials, equipment or contractual services at a stated price for a  
1473 specific period of time in response to an invitation to bid.

1474 As used in this act and in sections 46a-56 and 46a-68c to 46a-68k,  
1475 inclusive, of the general statutes, the term "public works contract"  
1476 means any agreement between any individual, firm or corporation and  
1477 the state or any political subdivision of the state other than a  
1478 municipality for construction, rehabilitation, conversion, extension,  
1479 demolition or repair of a public building, highway or other changes or  
1480 improvements in real property, or which is financed in whole or in



1481 part by the state, including, but not limited to, matching expenditures,  
1482 grants, loans, insurance or guarantees.

1483 (m) "Contract modification" means any written alteration in  
1484 specifications, delivery point, rate of delivery, period of performance,  
1485 price, quantity or other provisions of any contract accomplished by  
1486 mutual action of the parties to the contract, other than change orders,  
1487 which were previously defined;

1488 (n) "Contract risk assessment" means (A) the identification and  
1489 evaluation of loss exposures and risks, including, but not limited to,  
1490 business and legal risks associated with the contracting process and  
1491 the contracted goods and services, and (B) the identification,  
1492 evaluation and implementation of measures available to minimize  
1493 potential loss exposures and risks;

1494 (o) "Contractor" means any person or business entity who is  
1495 awarded, or participating as a sub-contractor under, a contract or an  
1496 amendment to a contract with the state under the procedure set forth  
1497 in this act, including, but not limited to, a small contractor, minority  
1498 business enterprise, organization providing products and services by  
1499 persons with disabilities, as described in section 68 of this act, and an  
1500 individual with a disability, as defined in sections 178 and 179 of this  
1501 act;

1502 (p) "Contractual services" or "services" means (1) the furnishing of  
1503 labor, time, or effort by a contractor, not involving the delivery of a  
1504 specific end product other than reports, which are merely incidental to  
1505 the required performance; and, (2) any and all laundry and cleaning  
1506 service, pest control service, janitorial service, security service, the  
1507 rental and repair, or maintenance, of equipment, machinery and other  
1508 state-owned personal property, advertising and photostating,  
1509 mimeographing, and other service arrangements where the services  
1510 are provided by persons other than state employees. This term shall  
1511 include the design, development and implementation of technology,  
1512 communications or telecommunications systems or the infrastructure

1513 pertaining thereto, including hardware and software. Moreover, this  
1514 term shall include services for which a contractor is conferred a benefit  
1515 by the state, whether or not compensated by the state. This term shall  
1516 not include employment agreements, collective bargaining agreements  
1517 or "professional services", as defined herein;

1518 (q) "Cost reimbursement contract" means a contract under which a  
1519 contractor is reimbursed for costs which are allowable and allocable in  
1520 accordance with the contract terms and the provisions of this act, and a  
1521 fee, if any;

1522 (r) "Data" means recorded information, regardless of form or  
1523 characteristic;

1524 (s) "Designee" means a duly authorized representative of a person  
1525 holding a superior position;

1526 (t) "Design-bid-build" means a project delivery method in which the  
1527 state sequentially awards separate contracts, the first for architectural  
1528 and engineering services to design the project and the second for  
1529 construction of the project according to the design;

1530 (u) "Design-build" means a project delivery method in which the  
1531 state enters into a single contract for design and construction of an  
1532 infrastructure facility;

1533 (v) "Design requirements" means the written description of the  
1534 infrastructure facility or service to be procured under this Part B  
1535 including: (1) Required features, functions, characteristics, qualities,  
1536 and properties that are required by the state; (2) the anticipated  
1537 schedule, including start, duration, and completion; (3) estimated  
1538 budgets (as applicable to the specific procurement) for design,  
1539 construction, operation and maintenance. The design requirements  
1540 may, but need not, include drawings and other documents illustrating  
1541 the scale and relationship of the features, functions, and characteristics  
1542 of the project;

1543 (w) "Electronic" means electrical, digital, magnetic, optical,  
1544 electromagnetic, or any other similar technology;

1545 (x) "Emergency procurement" means procurement by a state  
1546 contracting agency, as defined in subsection (iii) of this section, quasi-  
1547 public agency, as defined in section 1-120 of the general statutes,  
1548 judicial department or constituent unit of higher education that is  
1549 made necessary by a sudden, unexpected occurrence that poses a clear  
1550 and imminent danger to public safety or requires immediate action to  
1551 prevent or mitigate the loss or impairment of life, health, property or  
1552 essential public services or in response to a court order, settlement  
1553 agreement or other similar legal judgment;

1554 (y) "Equipment" means personal property of a durable nature that  
1555 retains its identity throughout its useful life;

1556 (z) "Established catalogue price" means the price included in a  
1557 catalogue, price list, schedule or other form that:

1558 (1) Is regularly maintained by a manufacturer or contractor;

1559 (2) Is either published or otherwise available for inspection by  
1560 customers; and

1561 (3) States prices at which sales are currently or were last made to a  
1562 significant number of any category of buyers or buyers constituting the  
1563 general buying public for the supplies or services involved;

1564 (aa) "Excess supplies" means any supplies other than expendable  
1565 supplies having a remaining useful life but which are no longer  
1566 required by the using agency in possession of the supplies;

1567 (bb) "Expendable supplies" means all tangible supplies other than  
1568 nonexpendable supplies;

1569 (cc) "Firm" means any individual, partnership, corporation, joint  
1570 venture, association or other legal entity authorized by law to practice

1571 the profession of architecture, landscape architecture, engineering,  
1572 land surveying, accounting, planning or environmental, management  
1573 or financial specialization;

1574 (dd) "Governmental body" means any department, commission,  
1575 council, board, bureau, committee, institution, legislative body,  
1576 agency, government corporation, or other establishment or official of  
1577 the executive, legislative or judicial branch of this state;

1578 (ee) "Grant" or "loan" means the furnishing by the state of assistance,  
1579 whether financial or otherwise, to any person to support a program  
1580 authorized by law. It does not include an award whose primary  
1581 purpose is to procure an end product, whether in the form of supplies,  
1582 services or construction; a contract resulting from such an award is not  
1583 a grant but a procurement contract;

1584 (ff) "Highest scoring bidder in a multiple criteria bid" means the  
1585 bidder whose bid receives the highest score for a combination of  
1586 attributes, including, but not limited to, price, skill, ability and  
1587 integrity necessary for the faithful performance of the work, based on  
1588 multiple criteria considering quality of product, warranty, life-cycle  
1589 cost, past performance, financial responsibility and other objective  
1590 criteria that are established in the bid solicitation for the contract;

1591 (gg) "Independent peer reviewer services" are additional  
1592 architectural and engineering services provided to the state. The  
1593 function of the independent peer reviewer is to confirm that the key  
1594 elements of the professional engineering and architectural design  
1595 provided by the contractor are in conformance with the applicable  
1596 standard of care;

1597 (hh) "Infrastructure facility" means a building; structure; or  
1598 networks of buildings, structures, pipes, controls and equipment that  
1599 provide transportation, utilities, public education or public safety  
1600 services. Included are government office buildings, public schools;  
1601 jails; water treatment plants, distribution systems and pumping

1602 stations; waste water treatment plant, collections systems, and  
1603 pumping stations; solid waste disposal plants, incinerators, landfills,  
1604 and related facilities; public roads and streets; highways; public  
1605 parking facilities; public transportation systems, terminals, and rolling  
1606 stock; rail, air and water port structures, terminals and equipment;

1607 (ii) "Invitation for bids" means all documents, whether attached or  
1608 incorporated by reference, utilized for soliciting bids;

1609 (jj) "Lowest responsible qualified bidder" means the bidder whose  
1610 bid is the lowest of those bidders possessing the skill, ability and  
1611 integrity necessary to faithful performance of the work based on  
1612 objective criteria considering past performance and financial  
1613 responsibility;

1614 (kk) "Materials" means items required to perform a function or used  
1615 in a manufacturing process, particularly those incorporated into an  
1616 end product or consumed in its manufacture;

1617 (ll) "Minor irregularities" means informalities that are matters of  
1618 form rather than substance evident from the bid document, or  
1619 insignificant mistakes that can be waived or corrected without  
1620 prejudice to other bidders; that is, the effect on price, quantity, quality,  
1621 delivery, or contractual conditions is negligible;

1622 (mm) "Multi-step competitive sealed bidding" means a competitive  
1623 process calling for separate submissions of proposals or responses  
1624 following the issuance of a request for information, request for  
1625 qualifications or other solicitation prior to the issuance of an invitation  
1626 to bid. The issuance of these solicitations may constitute the first step  
1627 or steps of a process followed by a call for non-negotiable competitive-  
1628 price bid. A request for qualifications may also be utilized as the first  
1629 step in the competitive sealed proposal process;

1630 (nn) "Nonexpendable supplies" means all tangible supplies having  
1631 an original acquisition cost per unit, as determined, from time to time,

1632 by the Commissioner of Administrative Services, and a probable  
1633 useful life of more than one year;

1634 (oo) "Nonprofit agency" means any organization that is not a for-  
1635 profit business and provides services contracted for by (A) the state, or  
1636 (B) a nonstate entity;

1637 (pp) "Operations and maintenance" means a project delivery  
1638 method whereby the state enters into a single contract for the routine  
1639 operation, routine repair, and routine maintenance of an infrastructure  
1640 facility;

1641 (qq) "Personal service agreement" means a written agreement  
1642 between the state and a personal services contractor for services  
1643 rendered to the state which are infrequent or unique, which defines the  
1644 services or end product to be delivered by a personal service  
1645 contractor to a state agency, excluding any agreement with a personal  
1646 service contractor that the state accounting manual does not require to  
1647 be submitted to the Comptroller . A personal service agreement shall  
1648 have a term of not more than three years, unless otherwise permitted  
1649 by the State Contracting Standards Board. Any such personal service  
1650 agreement may be extended or renewed, for an unlimited term,  
1651 provided the appropriate collective bargaining representative, if any,  
1652 the Commissioner of Administrative Services and the joint standing  
1653 committee of the General Assembly having cognizance of matters  
1654 relating to labor and public employees are notified of such extension or  
1655 renewal;

1656 (rr) "Personal service contractor" means any person, firm or  
1657 corporation not employed by the state, who is hired by a state agency  
1658 for a fee to provide services to the agency. The term "personal service  
1659 contractor" shall not include (A) a person, firm or corporation  
1660 providing "contractual services", as defined in this section, to the state,  
1661 (B) a "consultant", as defined in this section, (C) a "consultant", as  
1662 defined in section 160 of this act, providing services to the Department  
1663 of Transportation, (D) an agency of the federal government, of the state

1664 or of a political subdivision of the state, or (E) a person, firm or  
1665 corporation providing consultant services for information and  
1666 telecommunications systems authorized under section 18(b) of this act;

1667 (ss) "Professional services" means any type of service to the public  
1668 that requires that members of a profession rendering such service  
1669 obtain a license or other legal authorization as a condition precedent to  
1670 the rendition thereof, limited to the professional services of architects,  
1671 professional engineers, or jointly by architects and professional  
1672 engineers, landscape architects, certified public accountants and public  
1673 accountants, land surveyors, attorneys-at-law, psychologists, licensed  
1674 marital and family therapists, licensed professional counselors and  
1675 licensed clinical social workers as well as such other professional  
1676 services set forth, now or hereafter, in section 33-182a of the general  
1677 statutes. A contract for professional services may run to individuals or  
1678 to business entities established:

1679 (1) For the sole and specific purpose of rendering professional  
1680 services and which has as its owners, members, partners or  
1681 shareholders only individuals who themselves are licensed or  
1682 otherwise legally authorized to render the same professional service as  
1683 the business entity; or

1684 (2) For the sole and specific purpose of rendering professional  
1685 services by members of two or more of the following professions:  
1686 Psychology, marital and family therapy, social work, nursing,  
1687 professional counseling and psychiatry and that has as its owners,  
1688 members, partners or shareholders only individuals who themselves  
1689 are licensed or otherwise legally authorized to render one of the  
1690 professional services for which the business entity was created;

1691 (tt) "Privatization contract" means an agreement or series of  
1692 agreements between a state contracting agency and a person or entity,  
1693 in which such person or entity agrees to provide services valued at one  
1694 million dollars or more over the life of the contract that are  
1695 substantially similar to and in lieu of services provided, in whole or in

1696 part, by employees of such agency or by employees of another state  
1697 agency and that results in the layoff of any full time state employee  
1698 who is a member of a collective bargaining unit. "Privatization  
1699 contract" does not include the renewal, modification or extension of a  
1700 contract in effect on or before the effective date of this section;

1701 (uu) "Procurement" means contracting for, buying, purchasing,  
1702 renting, leasing or otherwise acquiring or disposing of, any supplies,  
1703 services, including but not limited to, contracts for purchase of services  
1704 and personal service agreements, interest in real property, or  
1705 construction, and includes all government functions that relate to such  
1706 activities, including best value selection and qualification based  
1707 selection;

1708 (vv) "Proposal development documents" means drawings and other  
1709 design related documents that are sufficient to fix and describe the size  
1710 and character of an infrastructure facility as to architectural, structural,  
1711 mechanical and electrical systems, materials, and such other elements  
1712 as may be appropriate to the applicable project delivery method;

1713 (ww) "Proposer" means a person, firm or corporation submitting a  
1714 proposal in response to a request for proposals or other competitive  
1715 sealed proposal;

1716 (xx) "Public record" means a public record, as defined in section 1-  
1717 200 of the general statutes, and also includes any recorded data or  
1718 information relating to the conduct of the public's business prepared,  
1719 owned, used, received or retained by a contractor or subcontractor for  
1720 work under a contract, subcontract or amendment to a contract or  
1721 subcontract, whether such data or information be handwritten, typed,  
1722 tape-recorded, printed, photostated, photographed or recorded by any  
1723 other method;

1724 (yy) "Purchase description" means the words used in a solicitation  
1725 to describe the supplies, services, or construction to be purchased, and  
1726 includes specifications attached to, or made a part of the solicitation;



1727 (zz) "Qualification based selection" means a contract selection  
1728 process in which the award of a contract is primarily based on an  
1729 assessment of contractor qualifications and on the negotiation of a fair  
1730 and reasonable price;

1731 (aaa) "Quasi-public agency" or "quasi public" shall have the  
1732 meaning set forth in section 1-120(1) of the general statutes;

1733 (bbb) "Regulation" shall have the meaning set forth in section 4-  
1734 166(13) of the general statutes;

1735 (ccc) "Request for proposals" means all documents, whether  
1736 attached or incorporated by reference, utilized for soliciting proposals;

1737 (ddd) "Responsible bidder" or "responsible proposer" means a  
1738 person who has the capability in all respects to perform fully the  
1739 contract requirements, and the integrity and reliability which will  
1740 assure good faith performance;

1741 (eee) "Signature" shall have the meaning set forth in sections 1-274  
1742 and 42a-3-401 of the general statutes;

1743 (fff) "Specification" means any description of the physical or  
1744 functional characteristics, or of the nature of a supply, service or  
1745 construction item. It may include a description of any requirement for  
1746 inspecting, testing or preparing a supply, service or construction item  
1747 for delivery;

1748 (ggg) "State contracting agency", "state agency" or "agency" means  
1749 any executive branch agency, each state board, commission,  
1750 department, office, institution or council, including but not limited to  
1751 constituent units of the state system of higher education; political  
1752 subdivisions of the state; and, quasi-publics that receive state funds,  
1753 that are authorized by law to enter into contracts for goods or services  
1754 itself or through its head. "State contracting agency" does not include  
1755 the Office of the Secretary of the State, the Office of the State Treasurer,  
1756 the Office of the State Comptroller, the Office of the Attorney General

1757 or the judicial or legislative branches of the state;

1758 (hhh) "Subcontractor" means a subcontractor of a contractor for  
1759 work under a contract or an amendment to a contract;

1760 (iii) "Supplies" means any and all articles of personal property,  
1761 including but not limited to equipment, materials, printing, insurance,  
1762 and leases of real property, excluding land or a permanent interest in  
1763 land . furnished to or used by any state agency, including all printing,  
1764 binding, publication of laws, stationery, forms, and reports. For  
1765 purposes of supply management under this act, "supplies" means  
1766 supplies owned by the state;

1767 (jjj) "Surplus Supplies" means any supplies other than expendable  
1768 supplies no longer having any use to the state. This includes obsolete  
1769 supplies, scrap materials and nonexpendable supplies that have  
1770 completed their useful life cycle.

1771 Sec. 48. (NEW) (*Effective from passage*) At the initiation of the  
1772 purchase of supplies, materials, equipment or contractual services,  
1773 including infrastructure facilities and services, each state contracting  
1774 agency shall establish a requisition system, subject to the approval of  
1775 the Commissioner of Administrative Services.

1776 Sec. 49. (NEW) (*Effective from passage*) (a) Except for such emergency  
1777 purchases as are made by a budgeted agency under regulations  
1778 adopted by the Commissioner of Administrative Services, no budgeted  
1779 agency or any agent thereof shall incur any obligation, by order,  
1780 contract or otherwise, except by the issue of a purchase order or any  
1781 other documentation approved by the Comptroller, necessary to  
1782 process the transaction transmitted by the budgeted agency or its  
1783 agents to the commissioner and the Comptroller, provided the amount  
1784 to be charged against the appropriation for a budgeted agency in any  
1785 year for a purchase order for a current expenditure shall be the amount  
1786 anticipated to be spent in such year. The amount to be charged against  
1787 the appropriation for any budgeted agency in any year for a capital

1788 expenditure, including an installment purchase, shall be the state's  
1789 total cost for such capital expenditure unless otherwise authorized by  
1790 the General Assembly or approved by the Finance Advisory  
1791 Committee. Upon the receipt of any such purchase order or any other  
1792 documentation approved by the Comptroller necessary to process the  
1793 transaction, the Comptroller shall immediately charge the same to the  
1794 specific appropriation of the budgeted agency issuing the same and  
1795 certify on the face of the purchase order or approve such other  
1796 documentation that the purchase is approved and recorded, if the  
1797 proposed purchase is within the applicable specific appropriation and  
1798 the budgeted agency has unencumbered funds sufficient to defray  
1799 such expenditure. In transactions requiring purchase orders, the  
1800 Comptroller shall promptly transmit such certified purchase order to  
1801 the vendor named in the purchase order.

1802 (b) Notwithstanding the provisions of subsection (a) of this section,  
1803 the Comptroller may delegate to any budgeted agency the certification  
1804 and transmission requirements of purchase orders using authorized  
1805 electronic methods, provided such agency transmits the information  
1806 contained in such purchase orders to the Comptroller. Upon receipt of  
1807 any such electronic transmission, the Comptroller shall immediately  
1808 charge the same to the specific appropriation of the budgeted agency  
1809 issuing the same and shall electronically certify that the purchase is  
1810 approved and recorded, if the proposed purchase is within the  
1811 applicable specific appropriation and the budgeted agency has  
1812 unencumbered funds sufficient to defray such expenditure. Upon  
1813 receipt of the Comptroller's certification, the budgeted agency shall  
1814 transmit the purchase order to the vendor named in the purchase  
1815 order.

1816 (c) Notwithstanding the provisions of subsection (a) or (b) of this  
1817 section, the Comptroller may allow budgeted agencies to use  
1818 purchasing cards for purchases of ten thousand dollars or less. No  
1819 budgeted agency, or any official, employee or agent of a budgeted  
1820 agency, shall incur any obligation using such a card, except in

1821 accordance with procedures established by the Comptroller.

1822       Sec. 50. (NEW) (*Effective July 1, 2008*) Whenever any specific  
1823 appropriation of money has been made by the General Assembly or by  
1824 any community or corporation as provided in section 7-121 of the  
1825 general statutes, each agent, commissioner or executive officer of the  
1826 state, except as provided in sections 4-87 and 4-99 of the general  
1827 statutes, or of any town, city, borough or school district, who wilfully  
1828 authorizes or contracts for the expenditure of any money or the  
1829 creation of any debt for any purpose in excess of the amount  
1830 specifically appropriated for such purpose by the General Assembly or  
1831 the community or corporation of which he is agent, commissioner or  
1832 executive officer, unless such expenditure is made or debt contracted  
1833 for the necessary repair of roads or bridges, or the necessary support of  
1834 schools or paupers, in cases arising after the proper appropriation has  
1835 been exhausted, shall be fined not more than one thousand dollars or  
1836 imprisoned in a community correctional center not more than one year  
1837 or both.

1838       Sec. 51. (NEW) (*Effective July 1, 2008*) (a) Except as provided in  
1839 section 53 of this act, each state contracting agency shall pay interest at  
1840 a rate equal to the monthly effective yield for the Short Term  
1841 Investment Fund administered by the Treasurer pursuant to sections 3-  
1842 27a to 3-27f, inclusive, of the general statutes on amounts due on  
1843 written contracts for public works, personal services, goods and  
1844 services, equipment and travel, whenever such department or agency  
1845 fails to make timely payment.

1846       (b) For the purposes of this section, payment shall be timely if: (1) A  
1847 check or warrant is mailed or delivered on the date specified for the  
1848 amount specified in the applicable contract documents, or, if no date is  
1849 specified, within forty-five days of receipt of a properly completed  
1850 claim or receipt of goods and services, whichever is later; or (2) for any  
1851 amount that is required to be withheld under state or federal law, a  
1852 check or warrant is mailed or delivered in the proper amount on the

1853 date the amount may be released under the applicable law.

1854 Sec. 52. (NEW) (*Effective July 1, 2008*) (a) Section 51 of this act shall  
1855 not apply to the following:

1856 (1) Interagency or intergovernmental transactions;

1857 (2) Amounts payable to employees or prospective employees of  
1858 state departments or agencies as reimbursement for expenses;

1859 (3) Claims subject to a good faith dispute, if before the date of timely  
1860 payment, notice of the dispute is: (A) Sent by certified mail; (B)  
1861 personally delivered; or (C) sent in accordance with any procedure in  
1862 the contract;

1863 (4) Contracts entered into before October 1, 1984;

1864 (5) Contracts related transportation facility construction,  
1865 reconstruction or maintenance; or

1866 (6) Claims, contracts or projects that are to be paid for exclusively  
1867 with federal funds.

1868 (b) As used in subdivision (3) of subsection (a) of this section, "good  
1869 faith dispute" means: (1) A contention by the state that goods delivered  
1870 or services rendered were: (A) Of less quantity or quality than ordered  
1871 or specified by contract; (B) faulty; or (C) installed improperly; or (2)  
1872 any other reason giving cause for the withholding of payment by the  
1873 state until such dispute is settled.

1874 Sec. 53. (NEW) (*Effective July 1, 2008*) (a) Any state contracting  
1875 agency required to pay late payment penalties under section 51 of this  
1876 act shall pay the penalties from funds designated for administrative  
1877 costs of the agency receiving the public works, personal services,  
1878 goods and services, equipment or travel. The penalties shall not be  
1879 paid from other funds of the state.

1880 (b) Any amount of an interest penalty which remains unpaid at the

1881 end of any thirty-day period shall be added to the principal amount of  
1882 the debt and, thereafter, interest penalties shall accrue on that amount.

1883 (c) In instances where a claim is filled out incorrectly or where there  
1884 is any defect or impropriety in a claim submitted, the state contracting  
1885 agency shall contact the vendor within ten days. An error on the  
1886 vendor's claim, if corrected within five business days of his being so  
1887 contacted and within the payment period as determined pursuant to  
1888 section 51 of this act, shall not result in the vendor being paid after the  
1889 expiration of the period for timely payment.

1890 Sec. 54. (NEW) (*Effective July 1, 2008*) Notwithstanding any  
1891 regulation or order of the Department of Public Utility Control which  
1892 permits the imposition of a late payment charge by a public service  
1893 company on customer bills, the state and any political subdivision  
1894 thereof: (1) Shall not be subject to such charge on any bill which  
1895 accrued on or before June 5, 1975; and (2) shall not be subject to such  
1896 charge on any bill which accrues after said date, for the first sixty days  
1897 after the due date of such bill.

1898 Sec. 55. (NEW) (*Effective July 1, 2008*) The Comptroller shall  
1899 prescribe the manner in which claims for supplies, materials,  
1900 equipment and contractual services purchased or contracted for shall  
1901 be submitted, examined, approved and paid. There shall continue to  
1902 be, from the appropriations of the state agencies, a Department of  
1903 Administrative Services Revolving Fund of such amount as the  
1904 Commissioner of Administrative Services, with the approval of the  
1905 Governor, determines to be necessary to defray such current expenses  
1906 for supplies, materials, equipment and contractual services as will be  
1907 incurred by the commissioner in anticipation of the future  
1908 requirements of state agencies or under other conditions necessitating  
1909 the payment of such expense prior to the determination of the legal or  
1910 equitable claims to be charged on account of such expenses to the  
1911 appropriations of such agencies. Claims on account of such expenses  
1912 shall be paid from said revolving fund. Any such expenses which

1913 cannot be specifically allocated to particular state agencies shall be  
1914 apportioned monthly by the commissioner, with the approval of the  
1915 Standardization Committee, among the state agencies for which they  
1916 were incurred in such manner as the commissioner deems equitable.  
1917 All funds received in payment of such claims shall be credited to said  
1918 revolving fund.

1919       Sec. 56. (NEW) (*Effective July 1, 2008*) All purchases of, and contracts  
1920 for, supplies, materials, equipment and contractual services, except  
1921 purchases and contracts made pursuant to the provisions of section 62  
1922 of this act and public utility services as provided in section 63 of this  
1923 act shall be awarded by one of the following methods, unless  
1924 otherwise authorized by law:

1925       (a) Competitive sealed bidding as set forth in section 57 of this act.

1926       (b) Competitive sealed proposals as set forth in section 58 of this act.

1927       (c) Small purchases as set forth in section 59 of this act.

1928       (d) Sole source procurement as set forth in section 60 of this act.

1929       (e) Emergency procurements as set forth in section 61 of this act.

1930       (g) Waiver of bid or proposal requirement for extraordinary  
1931 conditions as set forth in section 62 of this act.

1932       (h) Waiver pertaining to the purchase of alternative fuel vehicles  
1933 and certain public utility services as set forth in section 63 of this act.

1934       (i) Special procurements as set forth in section 64 of this act.

1935       Sec. 57. (NEW) (*Effective July 1, 2008*) (a) Contracts and purchase  
1936 orders, in an amount in excess of fifty thousand dollars, shall be  
1937 awarded by competitive sealed bidding unless the Commissioner of  
1938 Administrative Services or other appropriate award authority  
1939 determines that an alternate method of source selection, as set forth in  
1940 section 56 of this act and the referenced sections therein of this chapter,

1941 is appropriate.

1942 (b) An invitation for bids shall be issued and shall include a  
1943 purchase description, and all contractual terms and conditions  
1944 applicable to the procurement.

1945 (c) Adequate public notice of the invitation for bids shall be given  
1946 by providing notice of the planned purchase in a form and manner  
1947 that the Commission of Administrative Services determines, in  
1948 accordance with regulations, will promote competition and maximize  
1949 public participation, including participation by small contractors, as  
1950 defined in sections 178 and 179 of this act.

1951 (1) In the case of an expenditure which is estimated to exceed fifty  
1952 thousand dollars, such notice shall be inserted, at least five calendar  
1953 days before the final date of submitting bids, in two or more  
1954 publications, at least one of which shall be a major daily newspaper  
1955 published in the state or shall be posted on the Internet.

1956 (2) Each notice of a planned purchase under this subsection shall  
1957 indicate the following:

1958 (A) The type of goods and services to be purchased and the  
1959 estimated value of the contract award.

1960 (B) The state contract requirements concerning nondiscrimination  
1961 and affirmative action pursuant to section 175 of this act and, when  
1962 applicable, requirements concerning the awarding of contracts to small  
1963 contractors, minority business enterprises, individuals with a disability  
1964 and nonprofit corporations pursuant to sections 178 and 179 of this act.

1965 (d) Bids shall be opened publicly in the presence of one or more  
1966 witnesses at the time and place designated in the invitation for bids.  
1967 The amount of each bid, and such other relevant information as may  
1968 be specified by regulation, together with the name of each bidder shall  
1969 be recorded; the record and each bid shall be open to public inspection.  
1970 Each bid shall be kept sealed or secured until opened publicly at the



1971 time stated in the notice soliciting such bid.

1972 (e) Bids shall be unconditionally accepted without alteration or  
1973 correction, except as authorized in this act and the regulations  
1974 hereunder. The invitation for bid may set forth the evaluation criteria  
1975 to be used. No criteria may be used in a bid evaluation that are not set  
1976 forth in the invitation for bids. In the event there is no specific  
1977 evaluation criterion set forth in the invitation for bids, evaluation will  
1978 be based on a determination of the lowest responsible, qualified and  
1979 responsive bidder as set forth in this chapter.

1980 (1) Bids shall be evaluated by the state contracting agency or  
1981 consultants if so designated by the Commissioner of Administrative  
1982 Services, based on the requirements set forth in the invitation for bids,  
1983 which may include criteria to determine acceptability such as  
1984 inspection, testing, quality, workmanship, delivery, and suitability for  
1985 a particular purpose; and

1986 (2) Those criteria that will affect the bid price and be considered in  
1987 evaluation for award shall be objectively measurable, such as  
1988 discounts, transportation costs and total or life cycle costs.

1989 (f) Correction or withdrawal of inadvertently erroneous bids before  
1990 or after award, or cancellation of awards of contracts or purchase  
1991 orders based on such bid mistakes, shall be permitted in accordance  
1992 with regulations proposed by the Commissioner of Administrative  
1993 Services. Said regulations shall take into consideration preservation of  
1994 the integrity of the competitive sealed bidding process under this  
1995 chapter.

1996 (1) After bid opening, no changes in bid prices or other provisions of  
1997 bids prejudicial to the interest of the state or fair competition shall be  
1998 permitted.

1999 (2) Except as otherwise provided by regulation, all decisions to  
2000 permit the correction or withdrawal of bids, or cancel awards of

2001 contracts or purchase orders based on bid mistakes shall be supported  
2002 by a written determination made by the Commissioner of  
2003 Administrative Services.

2004 (g) (1) The contract shall be awarded with reasonable promptness  
2005 by written notice to the lowest responsible, qualified bidder whose bid  
2006 meets the requirements and evaluation criteria set forth in the  
2007 invitation for bids, taking into consideration the following: The  
2008 qualities of the articles to be supplied, their conformity with the  
2009 specifications, their suitability to the requirements of the state  
2010 government and the delivery terms being taken into consideration  
2011 and, at the discretion of the Commissioner of Administrative Services,  
2012 life-cycle costs and trade-in or resale value of the articles may be  
2013 considered where it appears to be in the best interest of the state.

2014 (A) In considering past performance of a bidder for the purpose of  
2015 determining the "lowest responsible qualified bidder" or the "highest  
2016 scoring bidder in a multiple criteria bid", the commissioner shall  
2017 evaluate the skill, ability and integrity of the bidder in terms of the  
2018 bidder's fulfillment of past contract obligations and the bidder's  
2019 experience or lack of experience in delivering supplies, materials,  
2020 equipment or contractual services of the size or amount for which bids  
2021 have been solicited.

2022 (B) In determining the lowest responsible qualified bidder for the  
2023 purposes of this section, the commissioner may give a price preference  
2024 of up to ten per cent for:

2025 (i) The purchase of goods made with recycled materials or the  
2026 purchase of recyclable or remanufactured products if the  
2027 commissioner determines that such preference would promote  
2028 recycling or remanufacturing. As used in this subsection, "recyclable"  
2029 means able to be collected, separated or otherwise recovered from the  
2030 solid waste stream for reuse, or for use in the manufacture or assembly  
2031 of another package or product, by means of a recycling program which  
2032 is reasonably available to at least seventy-five per cent of the state's

2033 population, "remanufactured" means restored to its original function  
2034 and thereby diverted from the solid waste stream by retaining the bulk  
2035 of components that have been used at least once and by replacing  
2036 consumable components and "remanufacturing" means any process by  
2037 which a product is remanufactured;

2038 (ii) The purchase of motor vehicles powered by a clean alternative  
2039 fuel; or

2040 (iii) The purchase of motor vehicles powered by fuel other than a  
2041 clean alternative fuel and conversion equipment to convert such motor  
2042 vehicles allowing the vehicles to be powered by either the exclusive  
2043 use of clean alternative fuel or dual use of a clean alternative fuel and a  
2044 fuel other than a clean alternative fuel. As used in this subsection,  
2045 "clean alternative fuel" shall mean natural gas or electricity when used  
2046 as a motor vehicle fuel.

2047 (C) All other factors being equal, preference shall be given to  
2048 supplies, materials and equipment produced, assembled or  
2049 manufactured in the state and services originating and provided in the  
2050 state.

2051 (2) Unless otherwise prohibited by federal or state law, regulation or  
2052 agency requirement, with respect to construction projects only, the  
2053 Commissioner of relevant state contracting agency, subject to approval  
2054 by the State Contracting Standards Board, is authorized to negotiate an  
2055 adjustment of the bid price, including changes in the bid requirements,  
2056 with the low responsible and responsive bidder, in order to bring the  
2057 bid within the amount of available funds, in the event:

2058 (A) All bids for a construction project exceed available funds as  
2059 certified by the head of the state contracting agency;

2060 (B) The low responsible and responsive bid does not exceed such  
2061 funds by more than five per cent; and

2062 (C) The time or economic considerations preclude resolicitation of

2063 work of a reduced scope.

2064 (3) If any such bidder refuses to accept, within ten days, a contract  
2065 awarded to such bidder, such contract may be awarded to the next  
2066 lowest responsible qualified bidder or the next highest scoring bidder  
2067 in a multiple criteria bid, whichever is applicable, and so on until such  
2068 contract is awarded and accepted.

2069 (4) A contract valued at one million dollars or more shall be  
2070 awarded to a bidder other than the lowest responsible qualified bidder  
2071 or the highest scoring bidder in a multiple criteria bid, whichever is  
2072 applicable, only with written approval signed by the Commissioner of  
2073 Administrative Services and by the Comptroller.

2074 (h) When it is considered impractical to initially issue an invitation  
2075 for did, the Commissioner of Administrative Services may issue a  
2076 request for information or request for proposals (requesting technical  
2077 information) or request for qualifications (requesting the qualifications  
2078 of bidders) as the first step in the process, to be followed by an  
2079 invitation for bids which may be limited to those bidders who have  
2080 been qualified under the criteria set forth in the first solicitation.

2081 (i) The Commissioner of Administrative Services may issue a  
2082 request for information for a multiple criteria bid. The contract shall be  
2083 awarded to the highest scoring bidder in a multiple criteria bid, in  
2084 accordance with the criteria set forth in the bid solicitation for the  
2085 contract. The Commissioner of Administrative Services shall adopt  
2086 regulations, in accordance with the provisions of chapter 54 of the  
2087 general statutes, indicating the types of objective criteria that the  
2088 commissioner may use in determining the highest scoring bidder in a  
2089 multiple criteria bid under this section. Said commissioner shall  
2090 submit a report on said date, concerning the status of the adoption of  
2091 said regulations by the commissioner, to the joint standing committee  
2092 of the General Assembly having cognizance of matters relating to  
2093 government administration.

2094       Sec. 58. (NEW) (*Effective July 1, 2008*) (a) (1) A contract may be  
2095 entered into by competitive sealed proposals when the Commissioner  
2096 of Administrative Services or other appropriate award authority  
2097 determines in writing, pursuant to regulations, that the use of  
2098 competitive sealed bidding is either not practicable or not  
2099 advantageous to the state.

2100       (2) The Commissioner of Administrative Services may promulgate  
2101 regulations, in accordance with chapter 54 of the general statutes, that  
2102 establish the criteria in determining when competitive sealed bidding  
2103 to procure specified types of supplies, services or construction that is  
2104 either not practicable or not advantageous to the state.

2105       (3) Contracts for the project delivery methods specified in section  
2106 125 of this act shall be entered into by competitive sealed proposals,  
2107 except as otherwise provided in sections 59, 60, 61 and 64 of this act.

2108       (b) Proposals shall be solicited through a request for proposals, as  
2109 required by the commissioner of administrative services, a request for  
2110 information, request for quotation or request for qualifications or other  
2111 forms of solicitation may be utilized to ascertain information or to  
2112 establish qualifications for the request for proposals. The solicitations  
2113 shall also contain, among other things, a description of the projected  
2114 scope of services or system requirements, a notice of mandatory state  
2115 contractual provisions or terms and conditions required by this  
2116 chapter or federal agencies. Services shall be selected on the basis of a  
2117 request for proposals. Each request for proposals for "design plus"  
2118 contract:

2119       (1) Shall include design requirements;

2120       (2) Shall solicit proposal development documents; and

2121       (3) May, when the relevant state contracting agency determines that  
2122 the cost of procuring proposals is high in view of the size, estimated  
2123 price, and complexity of the procurement:

2124 (A) Prequalify proposers by issuing a request for qualifications in  
2125 advance of the request for proposals; and

2126 (B) Select a short list of responsible proposers prior to discussions  
2127 and evaluations under this act, provided that the number of proposals  
2128 short listed is stated in the request for proposals and prompt public  
2129 notice is given to all proposers as to which proposals are short listed.

2130 (c) Adequate public notice of the request for proposals, request for  
2131 information or request for qualifications shall be given in the same  
2132 manner as provided for in section 57(c) of this act.

2133 (d) Proposals shall be opened so as to avoid disclosure of contents to  
2134 competing proposers during the process of negotiation. A register of  
2135 proposals shall be prepared in accordance with regulations and shall  
2136 be opened for public inspection after contract award, with the  
2137 exception of confidential trade and business information withheld in  
2138 accordance with the general statutes.

2139 (e) The request for proposals shall state the relative importance of  
2140 price and other factors and subfactors, if any.

2141 (f) As provided in the request for proposals, and under regulations,  
2142 discussions may be conducted with responsible proposers who submit  
2143 proposals determined to be reasonably susceptible of being selected  
2144 for award for the purpose of clarification to assure full understanding  
2145 of, and responsiveness to, the solicitation requirements.

2146 (1) Proposers shall be accorded fair and equal treatment with  
2147 respect to any opportunity for discussion and revision of proposals,  
2148 and such revisions may be permitted after submission and prior to  
2149 award for the purpose of obtaining best and final offers.

2150 (2) In conducting discussions, there shall be no disclosure of any  
2151 information derived from proposals submitted by competing  
2152 proposers, except for such information which may be disclosed by law.

2153 (3) Proposals shall be evaluated only on the basis of evaluation  
2154 factors stated in the request for proposals. The following factors may  
2155 be appropriate to use in conducting the evaluation. The relative  
2156 importance of these and other factors will vary according to the type of  
2157 supplies, materials, equipment or contractual services being procured.  
2158 Notwithstanding any provision of the general statutes to the contrary,  
2159 each state contracting agency awarding a contract through competitive  
2160 negotiation shall include price as an explicit factor in the criteria in the  
2161 request for proposals and for the contract award.

2162 (4) All proposals submitted as provided in section 58(f) of this act  
2163 shall be based on such standard specifications as may be adopted by  
2164 the Commissioner of Administrative Services, the commissioner's  
2165 designee or such other head of a state contracting agency as may be  
2166 authorized by this act. Proposers shall submit with their responses  
2167 essential information concerning their qualifications, in such form as  
2168 the commissioner may require by specification in the request  
2169 documents. The commissioner may, after adopting the regulations  
2170 required by subdivision (k) of section 15 of this act, waive minor  
2171 irregularities in proposals if the commissioner determines that such a  
2172 waiver would be in the best interest of the state. The commissioner  
2173 shall state the reasons for any such waiver in writing and include such  
2174 statement in the contract file.

2175 (g) Notwithstanding any provision of the general statutes to the  
2176 contrary, a constituent unit of the state system of higher education or  
2177 an institution of the Connecticut State University system, may  
2178 purchase, by negotiation, supplies, materials, equipment and  
2179 contractual services, as defined in this act, for the constituent unit or  
2180 institution, as appropriate, when the supplies, materials, equipment or  
2181 contractual services (1) are required to implement a grant, contract or  
2182 financial agreement between the constituent unit or institution, as  
2183 appropriate, and the donor of funds or other things of value which are  
2184 given with an obligation for service primarily to the donor by the  
2185 constituent unit or institution, as appropriate, and (2) are specified in

2186 such grant, contract or financial agreement.

2187 (h) (1) Award shall be made to the responsible proposer whose  
2188 proposal is deemed by the commissioner, designee or such other head  
2189 of a state contracting agency as may be authorized by this act or  
2190 designated by the Commissioner of Administrative Services, to be the  
2191 most advantageous to the state, in accordance with the criteria set forth  
2192 in the request for proposals, including price and evaluation factors and  
2193 conforms to the solicitation and is determined in writing to be the most  
2194 advantageous to the state taking into consideration price and the  
2195 evaluation factors set forth in the request for proposals. No other  
2196 factors or criteria shall be used in the evaluation. The contract file shall  
2197 contain the basis on which the award is made. Written notice of the  
2198 award of a contract to the successful proposer shall be promptly given  
2199 to all proposers. If any such proposer refuses to accept, within ten  
2200 days, a contract awarded to such proposer, such contract shall be  
2201 awarded to the next most advantageous proposer, and so on until the  
2202 contract is awarded and accepted.

2203 (2) No other factors or criteria, not included in the request for  
2204 proposals, shall be used in the evaluation.

2205 (3) The contract or purchase order files shall contain the basis on  
2206 which the award is made.

2207 (4) Written notice of the award of a contract or purchase order to the  
2208 successful proposer shall be promptly given to all proposers. The  
2209 contracting officials are authorized to provide debriefings that furnish  
2210 the basis for the source selection decision and contract award.

2211 Sec. 59. (NEW) (*Effective July 1, 2008*) (a) Any procurement not  
2212 exceeding fifty thousand dollars may be made in accordance with  
2213 small purchase procedures; provided, however, that procurement  
2214 requirements shall not be artificially divided so as to constitute a small  
2215 purchase under this section.



2216 (1) The Commissioner of Administrative Services or other  
2217 appropriate award authority shall award the contract to the lowest  
2218 responsible bidder. If the contract is not given to the lowest responsible  
2219 bidder, a written explanation shall be made by the commissioner and  
2220 be filed as a public record with the other documents pertinent to the  
2221 transaction.

2222 (2) The Commissioner of Administrative Services has the authority  
2223 to determine that a state contracting agency has artificially divided  
2224 procurement requirements so as to constitute a small purchase under  
2225 this section and thereby prohibit the state contracting agency from  
2226 utilizing the small purchase procedures.

2227 (b) The Commissioner of Administrative Services or other  
2228 appropriate award authority may, at his or her discretion, waive the  
2229 requirement of competitive bidding or competitive negotiation in the  
2230 case of minor, non-recurring and emergency purchases of ten  
2231 thousand dollars or less in amount.

2232 Sec. 60. (NEW) (*Effective July 1, 2008*) A contract may be awarded for  
2233 a supply, service or construction item without competition when,  
2234 under regulations, the Commissioner of Administrative Services  
2235 determines, upon recommendation of the agency contracting officer, in  
2236 writing that there is only one source for the required supply, service or  
2237 construction item. Sole source procurement is not permissible unless a  
2238 requirement is available from only a single supplier. A requirement for  
2239 a particular proprietary item shall not justify sole source procurement  
2240 if there is more than one potential bidder or proposer for that item.

2241 Sec. 61. (NEW) (*Effective July 1, 2008*) (a) Notwithstanding any other  
2242 provision of this act, the Commissioner of Administrative Services, or  
2243 other appropriate award authority, may make emergency  
2244 procurements when there exists a threat to public health, welfare or  
2245 safety under emergency conditions as defined in regulations; provided  
2246 that such emergency procurements shall be made with such  
2247 competition as is practicable under the circumstances.

2248 (b) A written determination of the basis for the emergency and for  
2249 the selection of the particular contractor shall be included in the  
2250 contract file and transmitted to the Governor, the president pro  
2251 tempore of the Senate, the majority and minority leaders of the Senate,  
2252 the speaker of the House of Representatives and the majority and  
2253 minority leaders of the House of Representatives.

2254 (c) The determination shall be based upon need and shall not be  
2255 utilized in order to satisfy preferences or convenience of the state  
2256 contracting agency, for preventing funds from lapsing at the end of a  
2257 fiscal year or for any reason that would circumvent the procurement  
2258 methods set forth in this act.

2259 Sec. 62. (NEW) (*Effective July 1, 2008*) (a) There shall continue to be a  
2260 Standardization Committee, which shall consist of the Commissioner  
2261 of Administrative Services, the Comptroller or the Comptroller's  
2262 designee, the Treasurer or the Treasurer's designee, and such  
2263 administrative heads of state departments or their authorized agents as  
2264 are designated for that duty by the Governor.

2265 (b) Whenever an emergency exists by reason of extraordinary  
2266 conditions or contingencies that could not reasonably be foreseen and  
2267 guarded against, or because of unusual trade or market conditions, the  
2268 Commissioner of Administrative Services or, in the case of purchases,  
2269 leases and contracts for information systems, information technology  
2270 personal property and telecommunication systems, the Chief  
2271 Information Officer, may, if it is in the best interests of the state, waive  
2272 the competitive bid or proposal requirements set forth in section 56 of  
2273 this act. If any such procurement is estimated to cost fifty thousand  
2274 dollars or more, such waiver shall be subject to the approval of the  
2275 Standardization Committee. A statement of all purchases made under  
2276 the provisions of this section shall be set forth in the annual report of  
2277 the Commissioner of Administrative Services.

2278 (c) The determination shall be based upon need and shall not be  
2279 utilized in order to satisfy preferences or convenience of the state

2280 contracting agency, for preventing funds from lapsing at the end of a  
2281 fiscal year or for any reason that would circumvent the procurement  
2282 methods set forth in this act.

2283 (d) The Commissioner of Administrative Services, the  
2284 Commissioner of Transportation, the Commissioner of Public Works  
2285 or the Chief Information Officer may, at his or her discretion, waive  
2286 the requirement of competitive bidding or competitive negotiation in  
2287 the case of minor, non-recurring and emergency purchases of ten  
2288 thousand dollars or less in amount.

2289 Sec. 63. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of  
2290 Administrative Services, in consultation with the Commissioner of  
2291 Environmental Protection and with the approval of the Secretary of the  
2292 Office of Policy and Management and the State Contracting Standards  
2293 Board, may waive the requirement of competitive bidding or  
2294 competitive negotiation in the case of a purchase of cars or light-duty  
2295 trucks in order to comply with any provisions of the general statutes  
2296 regarding the purchase of alternative fuel vehicles or any such  
2297 requirement of federal law.

2298 (b) (1) The purchase of or contract for the following public utility  
2299 services shall not be subject to competitive bidding or competitive  
2300 negotiation: (A) Electric distribution services; (B) water services; (C)  
2301 gas distribution services; (D) electric generation services until the date  
2302 such services are competitive pursuant to the schedule set forth in  
2303 section 16-244b of the general statutes, provided electric generation  
2304 services shall be exempt from competitive bidding and competitive  
2305 negotiation after said date if such services are provided by an electric  
2306 municipal utility other than by a participating electric municipal  
2307 utility, as defined in section 16-1 of the general statutes, in the service  
2308 area of said electric municipal utility; and (E) gas supply services until  
2309 the date such services are competitive pursuant to legislative act or  
2310 order of the Department of Public Utility Control, provided gas supply  
2311 services shall be exempt from competitive bidding and competitive

2312 negotiation after said date if such services are provided by a gas  
2313 municipal utility in the service area of said gas municipal utility.

2314 (2) Any purchase of or contract by the department for electric  
2315 generation services that are subject to competitive bidding and  
2316 competitive negotiations shall be conducted in cooperation with the  
2317 Office of Policy and Management pursuant to section 16a-14e of the  
2318 general statutes.

2319 Sec. 64. (NEW) (*Effective July 1, 2008*) Notwithstanding any other  
2320 provision of this code, the Commissioner of Administrative Services  
2321 may, with prior public notice, initiate a procurement above the small  
2322 purchase amount specified in section 59 of this act where the  
2323 commissioner determines, with the concurrence of the State  
2324 Contracting Standards Board, that an unusual or unique situation  
2325 exists that makes the application of all requirements of competitive  
2326 sealed bidding or competitive sealed proposals contrary to the public  
2327 interest. Any special procurement under this section shall be made  
2328 with such level of competition as is practicable under the  
2329 circumstances. A written determination of the basis for the  
2330 procurement and for the selection of the particular contractor shall be  
2331 included by the commissioner in the contract file, and a report shall be  
2332 made publicly available at least annually describing all such  
2333 determinations made subsequent to the prior report.

2334 Sec. 65. (NEW) (*Effective July 1, 2008*) The Commissioner of  
2335 Administrative Services, when purchasing or contracting for the  
2336 purchase of dairy products, poultry, eggs, fruits or vegetables  
2337 pursuant to this act, shall give preference to dairy products, poultry,  
2338 eggs, fruits or vegetables grown or produced in this state, when such  
2339 products, poultry, eggs, fruits or vegetables are comparable in cost to  
2340 other dairy products, poultry, eggs, fruits or vegetables being  
2341 considered for purchase by the commissioner that have not been  
2342 grown or produced in this state.

2343 Sec. 66. (NEW) (*Effective July 1, 2008*) The Commissioner of

2344 Administrative Services, in conjunction with the Commissioner of  
2345 Economic and Community Development, may initiate a program  
2346 under which they shall (1) identify Connecticut businesses which (A)  
2347 trade with African countries with whom the United States has  
2348 diplomatic relations, and (B) provide goods or services which are  
2349 required by the state, and (2) encourage such Connecticut businesses to  
2350 bid on such goods or services.

2351       Sec. 67. (NEW) (*Effective July 1, 2008*) Whenever any of the products  
2352 made or manufactured or services provided by blind persons under  
2353 the direction or supervision of the Board of Education and Services for  
2354 the Blind meet the requirements of any department, institution or  
2355 agency supported in whole or in part by the state as to quantity,  
2356 quality and price such products shall have preference, except over  
2357 articles produced or manufactured by Department of Correction  
2358 industries as provided in section 18-88 of the general statutes, and  
2359 except for emergency purchases made under section 61 of this act. All  
2360 departments, institutions and agencies supported in whole or in part  
2361 by the state shall purchase such articles and services from the Board of  
2362 Education and Services for the Blind. Any political subdivision of the  
2363 state may purchase such articles made or manufactured and services  
2364 provided by the blind through the Board of Education and Services for  
2365 the Blind. Said board shall issue at sufficiently frequent intervals for  
2366 distribution to the Commissioner of Administrative Services, the  
2367 Comptroller and the political subdivisions of the state, a catalog  
2368 showing styles, designs, sizes and varieties of all products made by  
2369 blind persons pursuant to this section or disabled persons pursuant to  
2370 section 68 of this act and describing all available services provided by  
2371 the blind or disabled.

2372       Sec. 68. (NEW) (*Effective July 1, 2008*) Whenever any products made  
2373 or manufactured by or services provided by persons with disabilities  
2374 through community rehabilitation programs described in subsection  
2375 (b) of section 17b-655 of the general statutes or in any workshop  
2376 established, operated or funded by nonprofit and nonsectarian

2377 organizations for the purpose of providing persons with disabilities  
2378 training and employment suited to their abilities meet the  
2379 requirements of any department, institution or agency supported in  
2380 whole or in part by the state as to quantity, quality and price such  
2381 products shall have preference over products or services from other  
2382 providers, except (1) articles produced or manufactured by blind  
2383 persons under the direction or supervision of the Board of Education  
2384 and Services for the Blind as provided in section 10-298a of the general  
2385 statutes, (2) articles produced or manufactured by Department of  
2386 Correction industries as provided in section 18-88 of the general  
2387 statutes, (3) emergency purchases made under section 4-98 of the  
2388 general statutes, and (4) janitorial services provided by a qualified  
2389 partnership, pursuant to the provisions of section 2 of public act 06-  
2390 129. All departments, institutions and agencies supported in whole or  
2391 in part by the state shall purchase such articles made or manufactured  
2392 and services provided by persons with disabilities from the Bureau of  
2393 Rehabilitation Services of the Department of Social Services. Any  
2394 political subdivision of the state may purchase such articles and  
2395 services through the Bureau of Rehabilitation Services of the  
2396 Department of Social Services. A list describing styles, designs, sizes  
2397 and varieties of all such articles made by persons with disabilities and  
2398 describing all available services provided by such persons shall be  
2399 prepared by the Connecticut Community Providers Association. The  
2400 Bureau of Rehabilitation Services of the Department of Social Services  
2401 shall cooperate with the State Board of Education and Services for the  
2402 Blind by submitting necessary information concerning such products  
2403 and services to the Board of Education and Services for the Blind at  
2404 frequent intervals.

2405       Sec. 69. (NEW) (*Effective July 1, 2008*) (a) An invitation for bids, a  
2406 request for proposals, or other solicitation may be cancelled, or any or  
2407 all bids or proposals may be rejected in whole or in part as may be  
2408 specified in the solicitation, when, in the opinion of the Commissioner  
2409 of Administrative Services, the best interests of the state will be served,  
2410 in accordance with regulations, which shall be approved by the State

2411 Contracting Standards Board. The reasons therefor shall be made part  
2412 of the contract file and shall be sent to the State Contracting Standards  
2413 Board.

2414 (b) If all bids or proposals are so rejected, the commissioner shall  
2415 advertise again for bids or proposals and such bids or proposals shall  
2416 be opened, awarded and approved in like manner as provided in this  
2417 section and sections 57 and 58 of this act.

2418 (c) If all bids or proposals received on a pending contract are for the  
2419 same unit price or total amount and no distinction can be made in  
2420 favor of supplies, materials and equipment produced, assembled or  
2421 manufactured in the state or services originating and provided in the  
2422 state, the commissioner shall have authority to order the rejection of all  
2423 bids or proposals and to order the purchase of the required supplies,  
2424 materials, equipment or contractual services in the open market,  
2425 provided the price paid in the open market shall not exceed the bid or  
2426 proposal price.

2427 (d) The commissioner reserves the right to award by item, or part  
2428 thereof, groups of items, or parts thereof, or all items of the bid; to  
2429 reject any and all bids in whole or in part; to waive minor irregularities  
2430 and omissions and permit the bidder or responder to correct them if, in  
2431 the commissioner's judgment, the best interest of the state will be  
2432 served.

2433 Sec. 70. (NEW) (*Effective July 1, 2008*) (a) A written determination of  
2434 nonresponsibility of a bidder or proposer shall be made in accordance  
2435 with regulations. The unreasonable failure of a bidder or proposer to  
2436 promptly supply information in connection with an inquiry with  
2437 respect to responsibility may be grounds for a determination of  
2438 nonresponsibility with respect to such bidder or proposer.

2439 (1) For the purpose of indicating the types of objective criteria in  
2440 determining the lowest responsible qualified bidder, as defined in  
2441 section 47 (jj) of this act or the best proposer, the invitation to bid or

2442 request for proposals shall state the evaluation factors, including price,  
2443 and their relative importance. Past performance and financial  
2444 responsibility shall always be factors in making this determination.

2445 (2) There shall be a written evaluation made of each bid and  
2446 proposal. This evaluation shall identify the vendors and their  
2447 respective costs and prices, document the reason why any vendor is  
2448 deemed to be nonresponsive and recommend a vendor for award.

2449 (b) Confidential information furnished by a bidder or offeror  
2450 pursuant to this section shall not be disclosed outside of the  
2451 Department of Administrative Services, the State Contracting Agency  
2452 or State Contracting Standards Board without prior written consent by  
2453 the bidder or proposer.

2454 Sec. 71. (NEW) (*Effective July 1, 2008*) (a) The Labor Commissioner  
2455 shall, not later than June thirtieth of each year, distribute a list to the  
2456 State Contracting Standards Board and all departments of the state  
2457 giving the names of persons or firms that have been found in violation  
2458 of the National Labor Relations Act, 49 Stat. 449 (1935), 29 USC 151 et  
2459 seq., by the National Labor Relations Board and by a final decision  
2460 rendered by a federal court or that have been found in contempt of  
2461 court by a final decision of a federal court for failure to correct a  
2462 violation of said National Labor Relations Act, on three or more  
2463 occasions involving different violations during the five preceding  
2464 calendar years. Such list shall be compiled from the records of the  
2465 National Labor Relations Board.

2466 (b) No state contract shall be awarded to the persons or firms  
2467 appearing on such list until three years have elapsed from the first day  
2468 of July following publication of such list and, during such three-year  
2469 period no state contract shall be awarded, to any subcontractor or  
2470 supplier, for merchandise produced or services provided by such  
2471 persons or firms.

2472 (c) This section shall not prohibit any award of a state contract



2473 where such award is determined by the Labor Commissioner to be in  
2474 the best interest of the state or where the Commissioner of  
2475 Administrative Services certifies, following notification, in writing, to  
2476 the State Contracting Standards Board, to the Labor Commissioner that  
2477 there is only one source for the merchandise or services for which such  
2478 contract is to be awarded.

2479       Sec. 72. (NEW) (*Effective July 1, 2008*) (a) No contract shall be  
2480 awarded by the state or any of its political subdivisions to any person  
2481 or firm or any firm, corporation, partnership or association in which  
2482 such persons or firms have an interest (1) which has been cited for  
2483 three or more wilful or serious violations of any occupational safety  
2484 and health act or of any standard, order or regulation promulgated  
2485 pursuant to such act, during the three-year period preceding the bid,  
2486 provided such violations were cited in accordance with the provisions  
2487 of any state occupational safety and health act or the Occupational  
2488 Safety and Health Act of 1970, and not abated within the time fixed by  
2489 the citation and such citation has not been set aside following appeal to  
2490 the appropriate agency or court having jurisdiction, or (2) which has  
2491 received one or more criminal convictions related to the injury or  
2492 death of any employee in the three-year period preceding the bid.

2493       (b) Any person who knowingly provides false information  
2494 concerning the information required pursuant to this section shall be  
2495 assessed a civil penalty of not less than five hundred dollars nor more  
2496 than five thousand dollars and shall be disqualified from bidding on or  
2497 participating in a contract with the state or any of its political  
2498 subdivisions for five years from the date of the final determination that  
2499 the information is false.

2500       (c) Any political subdivision or any state agency receiving false  
2501 information pursuant to this section shall notify the Commissioner of  
2502 Administrative Services and, upon receipt of such notice, the  
2503 commissioner shall conduct a hearing in accordance with the  
2504 provisions of chapter 54 of the general statutes. Upon a determination

2505 that false information was provided, the commissioner shall impose a  
2506 civil penalty in accordance with the provisions of this section. Such  
2507 civil penalty shall be paid to the Treasurer or to an official of the  
2508 political subdivision, as the case may be. Any civil penalty imposed  
2509 pursuant to this section may be collected in a civil proceeding by any  
2510 official of a political subdivision authorized to institute civil actions or,  
2511 in the case of the state, by the attorney general, upon complaint of the  
2512 Commissioner of Administrative Services.

2513 Sec. 73. (NEW) (*Effective July 1, 2008*) Prospective suppliers may be  
2514 prequalified for particular types of supplies, services, and construction.  
2515 The method of submitting prequalification information and the  
2516 information required in order to be prequalified shall be determined  
2517 by the Commissioner of Administrative Services following  
2518 consultation with the heads of all affected state contracting agencies.

2519 Sec. 74. (NEW) (*Effective July 1, 2008*) (a) Every contract for the  
2520 construction, reconstruction, alteration, remodeling, repair or  
2521 demolition of any public building for work by the state, which is  
2522 estimated to cost more than five hundred thousand dollars, except:

2523 (1) A contract awarded by the Commissioner of Public Works for  
2524 (A) a community court project; (B) the downtown Hartford higher  
2525 education center project; (C) a correctional facility project; (D) a  
2526 juvenile detention center project; or (E) a student residential facility for  
2527 the Connecticut State University system that is a priority higher  
2528 education facility project, as defined in subsection (j), (l), (m), (n) and  
2529 (f) of section 131 of this act; or

2530 (2) A project, as defined in subdivision (16) of section 10a-109c of the  
2531 general statutes, undertaken and controlled by The University of  
2532 Connecticut in accordance with section 10a-109n of the general  
2533 statutes, shall be awarded to the lowest responsible and qualified  
2534 general bidder who is prequalified pursuant to section 84 of this act on  
2535 the basis of competitive bids in accordance with the procedures set  
2536 forth in this chapter, after the Commissioner of Public Works or, in the

2537 case of a contract for the construction of or work on a building under  
2538 the supervision and control of the Joint Committee on Legislative  
2539 Management of the General Assembly, the joint committee or, in the  
2540 case of a contract for the construction of or work on a building under  
2541 the supervision and control of one of the constituent units of the state  
2542 system of higher education, the constituent unit, has invited such bids  
2543 by advertisements inserted at least once in one or more newspapers  
2544 having a circulation in each county in the state. The Commissioner of  
2545 Public Works, the joint committee or the constituent unit, as the case  
2546 may be, shall indicate the prequalification classification required for  
2547 the contract in such advertisement. As used in this section,  
2548 "prequalification classification" means the prequalification  
2549 classifications established by the Commissioner of Administrative  
2550 Services pursuant to section 84 of this act.

2551 (b) The Commissioner of Public Works, the joint committee or the  
2552 constituent unit, as the case may be, shall determine the manner of  
2553 submission and the conditions and requirements of such bids, and the  
2554 time within which the bids shall be submitted, consistent with the  
2555 provisions of sections 4b-91 to 4b-96, inclusive, of the general statutes  
2556 subject to approval by the State Contracting Standards Board. Such  
2557 award shall be made within sixty days after the opening of such bids.  
2558 If the general bidder selected as the general contractor fails to perform  
2559 the general contractor's agreement to execute a contract in accordance  
2560 with the terms of the general contractor's general bid and furnish a  
2561 performance bond and also a labor and materials or payment bond to  
2562 the amount specified in the general bid form, an award shall be made  
2563 to the next lowest responsible and qualified general bidder. No  
2564 employee of the Department of Public Works, the joint committee or a  
2565 constituent unit with decision-making authority concerning the award  
2566 of a contract and no public official, as defined in section 1-79 of the  
2567 general statutes, may communicate with any bidder prior to the award  
2568 of the contract if the communication results in the bidder receiving  
2569 information about the contract that is not available to other bidders,  
2570 except that if the lowest responsible and qualified bidder's price

2571 submitted is in excess of funds available to make an award, the  
2572 Commissioner of Public Works, the Joint Committee on Legislative  
2573 Management or the constituent unit, as the case may be, may negotiate  
2574 with such bidder and award the contract on the basis of the funds  
2575 available, without change in the contract specifications, plans and  
2576 other requirements. If the award of a contract on said basis is refused  
2577 by such bidder, the Commissioner of Public Works, the Joint  
2578 Committee on Legislative Management or the constituent unit, as the  
2579 case may be, may negotiate with other contractors who submitted bids  
2580 in ascending order of bid prices without change in the contract,  
2581 specifications, plans and other requirements. In the event of  
2582 negotiation with general bidders as provided in this section, the  
2583 general bidder involved may negotiate with subcontractors on the  
2584 same basis, provided such general bidder shall negotiate only with  
2585 subcontractors named on such general bidder's general bid form.

2586 (c) No person may bid on a contract or perform work pursuant to a  
2587 contract, except for a project described in subdivision (2) of subsection  
2588 (a) of this section, for the construction, reconstruction, alteration,  
2589 remodeling, repair or demolition of any public building for work by  
2590 the state or a municipality, which is estimated to cost more than five  
2591 hundred thousand dollars and is paid for, in whole or in part, with  
2592 state funds, unless the person is prequalified in accordance with  
2593 section 84 of this act.

2594 (d) Each bid submitted for a contract described in subsection (c) of  
2595 this section shall include a copy of a prequalification certificate issued  
2596 by the Commissioner of Administrative Services. The bid shall also be  
2597 accompanied by an update bid statement in such form as the  
2598 Commissioner of Administrative Services prescribes. The form for  
2599 such update bid statement shall provide space for information  
2600 regarding all bonded projects completed by the bidder since the date  
2601 the bidder's prequalification certificate was issued or renewed, all  
2602 bonded projects the bidder currently has under contract, including the  
2603 percentage of work on such projects not completed, the names and

2604 qualifications of the personnel who will have supervisory  
2605 responsibility for the performance of the contract, any significant  
2606 changes in the bidder's financial position or corporate structure since  
2607 the date the certificate was issued or renewed, any change in the  
2608 contractor's qualification status as determined by the provisions of  
2609 section 84 of this act and such other relevant information as the  
2610 Commissioner of Administrative Services prescribes. Any bid  
2611 submitted without a copy of the prequalification certificate and an  
2612 update statement shall be invalid. Any public agency that awards a  
2613 contract to a bidder who failed to submit a copy of such  
2614 prequalification certificate and an update bid statement, as required by  
2615 this section, shall be ineligible for the receipt of any state funds related  
2616 to such bid.

2617 (e) Any person who bids on a contract described in subsection (c) of  
2618 this section shall certify under penalty of false statement at the  
2619 conclusion of the bidding process that the information in the bid is  
2620 true, that there has been no substantial change in the bidder's financial  
2621 position or corporate structure since the bidder's most recent  
2622 prequalification certificate was issued or renewed, other than those  
2623 changes noted in the update bid statement, and that the bid was made  
2624 without fraud or collusion with any person.

2625 (f) Any person who receives information from a state employee or  
2626 public official that is not available to the general public concerning any  
2627 construction, reconstruction, alteration, remodeling, repair or  
2628 demolition project on a public building prior to the date that an  
2629 advertisement for bids on the project is published shall be disqualified  
2630 from bidding on the project.

2631 (g) Notwithstanding the provisions of this chapter regarding  
2632 competitive bidding procedures, the commissioner may select and  
2633 interview at least three responsible and qualified general contractors  
2634 who are prequalified pursuant to section 84 of this act and submit the  
2635 three selected contractors to the construction services award panels

2636 process described in section 82 of this act and any regulation adopted  
2637 by the commissioner. The commissioner may negotiate with the  
2638 successful bidder a contract which is both fair and reasonable to the  
2639 state for a community court project; the downtown Hartford higher  
2640 education center project; a correctional facility project; a juvenile  
2641 detention center project; or a student residential facility for the  
2642 Connecticut State University system that is a priority higher education  
2643 facility project, as defined in subsection (j), (l), (m), (n) and (f) of section  
2644 131 of this act. The Commissioner of Public Works, prior to entering  
2645 any such contract or performing any work on such project, shall  
2646 submit such contract to the State Properties Review Board for review  
2647 and approval or disapproval by the board, pursuant to subsection (i) of  
2648 this section. Any general contractor awarded a contract pursuant to  
2649 this subsection shall be subject to the same requirements concerning  
2650 the furnishing of bonds as a contractor awarded a contract pursuant to  
2651 subsection (b) of this section.

2652 (h) Any agency that seeks to have a project awarded without being  
2653 subject to competitive bidding procedures shall certify to the joint  
2654 committee of the General Assembly having cognizance of matters  
2655 relating to government administration that the project is of such an  
2656 emergency nature that an exception to the competitive bidding  
2657 procedures of this section is required. Such certification shall include  
2658 input from all affected agencies, detail the need for the exception and  
2659 include any relevant documentation.

2660 (i) The General Assembly may approve legislation authorizing an  
2661 exception to the competitive bidding process for a project, provided  
2662 such legislation is approved, in whole, by a two-thirds vote of the  
2663 members of each house of the General Assembly. If rejected, the  
2664 legislation proposing an exception for such project shall not be valid  
2665 and shall not be implemented. The legislation shall be deemed rejected  
2666 if the General Assembly fails to vote to approve or reject the legislation  
2667 (1) prior to the adjournment of the regular session of the General  
2668 Assembly during which the legislation is filed, (2) prior to the

2669 adjournment of the next regular session of the General Assembly  
2670 following the date on which the legislation is filed if the General  
2671 Assembly is not in regular session on such date, or (3) prior to the  
2672 adjournment of a special session convened before the next regular  
2673 session of the General Assembly for the purpose of considering the  
2674 legislation if the General Assembly is not in regular session on the date  
2675 on which the legislation is filed. However, if the legislation is filed less  
2676 than thirty days before the end of a regular session, the General  
2677 Assembly may vote to approve or reject the legislation (A) not later  
2678 than thirty days after the first day of a special session convened before  
2679 the next regular session of the General Assembly for the purpose of  
2680 considering the legislation, or (B) not later than thirty days after the  
2681 first day of the next regular session of the General Assembly. In the  
2682 event that the General Assembly approves legislation authorizing an  
2683 exception to the competitive bidding process for a project, the State  
2684 Properties Review Board shall complete a review of the contract for  
2685 such project and approve or disapprove such contract no later than  
2686 thirty days after the Commissioner of Public Works submits such  
2687 contract to the board. Such review shall be conducted in accordance  
2688 with the provisions of section 4b-3 of the general statutes. On and after  
2689 October 1, 2008, such review shall be conducted by the subcommittee  
2690 of the State Contracting Standards Board established under subsection  
2691 (b) of section 12 of this act. In the event that such review does not occur  
2692 within the thirty-day period prescribed by this subsection, such  
2693 contract shall be deemed to be approved.

2694 (j) On and after January 1, 2007, no person whose subcontract  
2695 exceeds five hundred thousand dollars in value may perform work as  
2696 a subcontractor, except for a project described in subdivision (2) of  
2697 subsection (a) of this section, for the construction, reconstruction,  
2698 alteration, remodeling, repair or demolition of any public building for  
2699 work by the state or a municipality, which is estimated to cost more  
2700 than five hundred thousand dollars and is paid for, in whole or in part,  
2701 with state funds, unless the person is prequalified in accordance with  
2702 section 84 of this act.

2703       Sec. 75. (NEW) (*Effective July 1, 2008*) As used in this chapter and  
2704 except as otherwise provided, the words "lowest responsible and  
2705 qualified bidder" shall mean the bidder who is prequalified pursuant  
2706 to section 84 of this act, and whose bid is the lowest of those bidders  
2707 possessing the skill, ability and integrity necessary to faithful  
2708 performance of the work based on objective criteria considering past  
2709 performance and information contained in the update statement  
2710 submitted pursuant to section 74 of this act. Essential information in  
2711 regard to such qualifications shall be submitted with the bid in such  
2712 form as the awarding authority may require by specification in the bid  
2713 documents and on the bid form. Every general bid shall be  
2714 accompanied by a bid bond or a certified check in an amount which  
2715 shall be ten per cent of the bid, provided no such bid bond or certified  
2716 check shall be required in relation to any general bid in which the total  
2717 estimated cost of labor and materials under the contract with respect to  
2718 which such general bid is submitted is less than fifty thousand dollars.  
2719 Failure to execute a contract awarded as specified and bid shall result  
2720 in the forfeiture of such bid bond or certified check. In considering past  
2721 performance the awarding authority shall evaluate the skill, ability and  
2722 integrity of bidders in terms of the bidders' fulfillment of contract  
2723 obligations and of the bidders' experience or lack of experience with  
2724 projects of the nature and scope of the project for which the bids are  
2725 submitted.

2726       Sec. 76. (NEW) (*Effective July 1, 2008*) (a) Every contract subject to  
2727 this chapter shall include plans and specifications detailing all labor  
2728 and materials to be furnished thereunder. Such specifications shall  
2729 have a separate section for each of the following classes of work if, in  
2730 the estimate of the awarding authority, the class of work will exceed  
2731 twenty-five thousand dollars: (1) Masonry work; (2) electrical work; (3)  
2732 mechanical work other than heating, ventilating and air conditioning  
2733 work; and (4) heating, ventilating and air conditioning work. Such  
2734 specifications shall also have a separate section for each other class of  
2735 work for which the awarding authority deems it necessary or  
2736 convenient.



2737 (b) Each separate section in the specifications provided for by this  
2738 section shall specify by number each sheet of plans showing work to  
2739 be done by the subcontractor under such section, and shall require the  
2740 subcontractor to install all materials to be furnished by him under such  
2741 section other than materials which, in the opinion of the awarding  
2742 authority, it is not customary under current trade practices for such  
2743 subcontractor to install and the installation of which is expressly  
2744 required by another section of the specifications. Each class of work set  
2745 forth in a separate section of the specifications pursuant to this section  
2746 shall be a sub trade designated in the general bid form and shall be the  
2747 matter of a subcontract made in accordance with the procedure set  
2748 forth in this chapter.

2749 (c) Whenever the awarding authority has designated a separate  
2750 section for a class of work, under subsection (a) of this section, the  
2751 general contractor shall, when applicable, state as part of its  
2752 application for partial payment that it considers the work required to  
2753 be done under any such separate section to be fully completed in  
2754 accordance with the terms of the contract. The awarding authority  
2755 shall thereupon conduct an inspection of the work in such class, and if  
2756 it finds that such work has been fully completed in accordance with  
2757 the terms of the contract, it shall issue a statement certifying that such  
2758 work is accepted as fully completed, and shall pay the general  
2759 contractor in full for such work.

2760 Sec. 77. (NEW) (*Effective July 1, 2008*) In inviting bids, the awarding  
2761 authority shall reserve the right to reject any or all such general bids, if  
2762 (1) the awarding authority determines that the general bidder or  
2763 bidders involved are not competent to perform the work as specified,  
2764 based on objective criteria established for making such determinations,  
2765 including past performance and financial responsibility, (2) the low bid  
2766 price exceeds the amount of money available for the project, (3) the  
2767 awarding authority determines that the project shall not go forward or  
2768 (4) the awarding authority finds cause to reject such bids. If the  
2769 awarding authority rejects any or all bids pursuant to this section, it

2770 shall notify each affected bidder, in writing, of the reasons for such  
2771 rejection.

2772       Sec. 78. (NEW) (*Effective July 1, 2008*) (a) The awarding authority  
2773 shall furnish to every person applying therefor a form for general bid.

2774       (b) Every general bid submitted for a contract subject to this chapter  
2775 shall be submitted on a form furnished by the awarding authority. The  
2776 form provided by the awarding authority shall provide a place for  
2777 listing the names and prices of subcontractors for the four classes of  
2778 work specified in subsection (a) of section 76 of this act, and for each  
2779 other class of work included by the awarding authority pursuant to  
2780 said subsection and state that: (1) The undersigned agrees that if  
2781 selected as general contractor, he shall, within five days, Saturdays,  
2782 Sundays and legal holidays excluded, after presentation thereof by the  
2783 awarding authority, execute a contract in accordance with the terms of  
2784 the general bid; (2) the undersigned agrees and warrants that he has  
2785 made good faith efforts to employ minority business enterprises as  
2786 subcontractors and suppliers of materials under such contract and  
2787 shall provide the Commission on Human Rights and Opportunities  
2788 with such information as is requested by the commission concerning  
2789 his employment practices and procedures as they relate to the  
2790 provisions of the general statutes governing contract requirements;  
2791 and (3) the undersigned agrees that each of the subcontractors listed  
2792 on the bid form will be used for the work indicated at the amount  
2793 stated, unless a substitution is permitted by the awarding authority.  
2794 The awarding authority may require in the bid form that the general  
2795 contractor agree to perform a stated, minimum percentage of work  
2796 with his own forces.

2797       (c) General bids shall be for the complete work as specified and shall  
2798 include the names of any subcontractors for the four classes of work  
2799 specified in subsection (a) of section 76 of this act, and for each other  
2800 class of work for which the awarding authority has required a separate  
2801 section pursuant to said subsection and the dollar amounts of their

2802 subcontracts, and the general contractor shall be selected on the basis  
2803 of such general bids. It shall be presumed that the general bidder  
2804 intends to perform with its own employees all work in such four  
2805 classes and such other classes, for which no subcontractor is named.  
2806 The general bidder's qualifications for performing such work shall be  
2807 subject to review under section 75 of this act. Every general bid which  
2808 is conditional or obscure, or which contains any addition not called for,  
2809 shall be invalid; and the awarding authority shall reject every such  
2810 general bid. The awarding authority shall be authorized to waive  
2811 minor irregularities which he considers in the best interest of the state,  
2812 provided the reasons for any such waiver are stated in writing by the  
2813 awarding authority and made a part of the contract file. No such  
2814 general bid shall be rejected because of the failure to submit prices for,  
2815 or information relating to, any item or items for which no specific  
2816 space is provided in the general bid form furnished by the awarding  
2817 authority, but this sentence shall not be applicable to any failure to  
2818 furnish prices or information required by this section to be furnished  
2819 in the form provided by the awarding authority. General bids shall be  
2820 publicly opened and read by the awarding authority forthwith. The  
2821 awarding authority shall not permit substitution of a subcontractor for  
2822 one named in accordance with the provisions of this section or  
2823 substitution of a subcontractor for any designated sub trade work bid  
2824 to be performed by the general contractor's own forces, except for  
2825 good cause. The term "good cause" includes but is not limited to a  
2826 subcontractor's or, where appropriate, a general contractor's: (1) Death  
2827 or physical disability, if the listed subcontractor is an individual; (2)  
2828 dissolution, if a corporation or partnership; (3) bankruptcy; (4) inability  
2829 to furnish any performance and payment bond shown on the bid form;  
2830 (5) inability to obtain, or loss of, a license necessary for the  
2831 performance of the particular category of work; (6) failure or inability  
2832 to comply with a requirement of law applicable to contractors,  
2833 subcontractors, or construction, alteration, or repair projects; (7) failure  
2834 to perform his agreement to execute a subcontract under section 80 of  
2835 this act.

2836 (d) The general bid price shall be the price set forth in the space  
2837 provided on the general bid form. No general bid shall be rejected (1)  
2838 because of error in setting forth the name of a subcontractor as long as  
2839 the subcontractor or subcontractors designated are clearly identifiable,  
2840 or (2) because the plans and specifications do not accompany the bid or  
2841 are not submitted with the bid. Failure to correctly state a  
2842 subcontractor's price shall be cause for rejection of the general bidder's  
2843 bid.

2844 (e) Any general contractor who violates any provision of this section  
2845 shall be disqualified from bidding on other contracts that are subject to  
2846 the provisions of this chapter for a period not to exceed twenty-four  
2847 months, commencing from the date on which the violation is  
2848 discovered, for each violation. The awarding authority shall  
2849 periodically review the general contractor's subcontracts to insure  
2850 compliance with such provisions, and shall after each such review  
2851 prepare a written report setting forth its findings and conclusions.

2852 Sec. 79. (NEW) (*Effective July 1, 2008*) If a general bidder customarily  
2853 performs any of the four classes of work specified in subsection (a) of  
2854 section 76 of this act or any other class of work included by the  
2855 awarding authority pursuant to said subsection, the general bidder  
2856 may list himself as a subcontractor together with his price in the space  
2857 provided in the bid form. A listed sub-bid so submitted by the general  
2858 bidder shall be considered on a par with other listed sub-bids, and no  
2859 such sub-bid by a general bidder shall be considered unless the general  
2860 bidder can show to the satisfaction of the awarding authority, based on  
2861 objective criteria established for such purpose, that he customarily  
2862 performs such sub trade work and is qualified to do the character of  
2863 work required by the applicable section of the specifications.

2864 Sec. 80. (NEW) (*Effective July 1, 2008*) Not later than five days after  
2865 being notified of the award of a general contract by the awarding  
2866 authority, or, in the case of an approval of a substitute subcontractor  
2867 by the awarding authority, within five days after being notified of such

2868 approval, the general bidder shall present to each listed or substitute  
2869 subcontractor (1) a subcontract in the form set forth in this section and  
2870 (2) a notice of the time limit under this section for executing a  
2871 subcontract. If a listed subcontractor fails within five days, Saturdays,  
2872 Sundays and legal holidays excluded, after presentation of a  
2873 subcontract by the general bidder selected as a general contractor, to  
2874 perform his agreement to execute a subcontract in the form hereinafter  
2875 set forth with such general bidder, contingent upon the execution of  
2876 the general contract, the general contractor shall select another  
2877 subcontractor, with the approval of the awarding authority. When  
2878 seeking approval for a substitute subcontractor, the general bidder  
2879 shall provide the awarding authority with all documents showing (A)  
2880 the general bidder's proper presentation of a subcontract to the listed  
2881 subcontractor and (B) communications to or from such subcontractor  
2882 after such presentation. The awarding authority shall adjust the  
2883 contract price to reflect the difference between the amount of the price  
2884 of the new subcontractor and the amount of the price of the listed  
2885 subcontractor if the new subcontractor's price is lower and may adjust  
2886 such contract price if the new subcontractor's price is higher. The  
2887 general bidder shall, with respect to each listed subcontractor or  
2888 approved substitute subcontractor, file with the awarding authority a  
2889 copy of each executed subcontract within ten days, Saturdays, Sundays  
2890 and legal holidays excluded, of presentation of a subcontract to such  
2891 subcontractor. The subcontract shall be in the following form:

2892       SUBCONTRACT

2893       THIS AGREEMENT made this .... of 20., by and between .... a  
2894 corporation organized and existing under the laws of .... a partnership  
2895 consisting of .... an individual doing business as .... hereinafter called  
2896 the "Contractor" and .... a corporation organized and existing under the  
2897 laws of .... a partnership consisting of .... an individual doing business  
2898 as .... hereinafter called the "Subcontractor",

2899       WITNESSETH that the Contractor and the Subcontractor for the

2900 considerations hereafter named, agree as follows:

2901 1. The Subcontractor agrees to furnish all labor and materials  
2902 required for the completion of all work specified in Section No. .... of  
2903 the specifications for .... (Name of Sub trade) .... and the plans referred  
2904 to therein and addenda No. ...., and .... for the (Complete title of project  
2905 and the project number taken from the title page of the specifications)  
2906 .... all as prepared by .... (Name of Architect or Engineer) .... for the sum  
2907 of .... (\$....) and the Contractor agrees to pay the Subcontractor said  
2908 sum for said work. This price includes the following alternates:

2909 Supplemental No. (s) ...., ...., ...., ...., ...., ...., ...., ....

2910 (a) The Subcontractor agrees to be bound to the Contractor by the  
2911 terms of the hereinbefore described plans, specifications (including all  
2912 general conditions stated therein which apply to his trade) and  
2913 addenda No. ...., ...., ...., and ...., and ...., and to assume to the  
2914 Contractor all the obligations and responsibilities that the Contractor  
2915 by those documents assumes to the .... (Awarding Authority) ....,  
2916 hereinafter called the "Awarding Authority", except to the extent that  
2917 provisions contained therein are by their terms or by law applicable  
2918 only to the Contractor.

2919 (b) The Contractor agrees to be bound to the Subcontractor by the  
2920 terms of the hereinbefore described documents and to assume to the  
2921 Subcontractor all the obligations and responsibilities that the  
2922 Awarding Authority by the terms of the hereinbefore described  
2923 documents assumes to the Contractor, except to the extent that  
2924 provisions contained therein are by their terms or by law applicable  
2925 only to the Awarding Authority.

2926 2. The Contractor agrees to begin, prosecute and complete the entire  
2927 work specified by the Awarding Authority in an orderly manner so  
2928 that the Subcontractor will be able to begin, prosecute and complete  
2929 the work described in this subcontract; and, in consideration thereof,  
2930 upon notice from the Contractor, either oral or in writing, the

2931 Subcontractor agrees to begin, prosecute and complete the work  
2932 described in this Subcontract in an orderly manner in accordance with  
2933 completion schedules prescribed by the general contractor for each  
2934 subcontract work item, based on consideration to the date or time  
2935 specified by the Awarding Authority for the completion of the entire  
2936 work.

2937 3. The Subcontractor agrees to furnish to the Contractor, within a  
2938 reasonable time after the execution of this subcontract, evidence of  
2939 workers' compensation insurance as required by law and evidence of  
2940 public liability and property damage insurance of the type and in  
2941 limits required to be furnished to the Awarding Authority by the  
2942 Contractor.

2943 4. The Contractor agrees that no claim for services rendered or  
2944 materials furnished by the Contractor to the Subcontractor shall be  
2945 valid unless written notice thereof is given by the Contractor to the  
2946 Subcontractor during the first forty (40) days following the calendar  
2947 month in which the claim originated.

2948 5. This agreement is contingent upon the execution of a general  
2949 contract between the Contractor and the Awarding Authority for the  
2950 complete work.

2951 IN WITNESS WHEREOF, the parties hereto have executed this  
2952 agreement the day and year first above-written.

2953 SEAL

2954 ATTEST

2955 ....

2956 .... (Name of Subcontractor) ....

2957 By: ....

2958 SEAL

2959        ATTEST

2960        ....

2961        .... (Name of Subcontractor) ....

2962        By: ....

2963        Sec. 81. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of  
2964 Public Works shall adopt regulations, subject to approval by the State  
2965 Contracting Standards Board, in accordance with chapter 54 of the  
2966 general statutes, to implement the provisions of sections 74 to 81,  
2967 inclusive, of this act. Such regulations shall include (1) objective criteria  
2968 for evaluating the qualifications of bidders, (2) objective criteria for  
2969 evaluating proposals, and (3) the procedures for evaluating bids after  
2970 the prequalification status of the bidder has been verified.

2971        (b) The Commissioner of Public Works shall adopt regulations,  
2972 subject to approval by the State Contracting Standards Board, in  
2973 accordance with the provisions of chapter 54 of the general statutes,  
2974 establishing a procedure for promptly hearing and ruling on claims  
2975 alleging a violation or violations of sections 74 to 81, inclusive, of this  
2976 act. Such claims may be initiated by the Department of Public Works  
2977 or any party whose financial interests may be affected by the decision  
2978 on such a claim.

2979        Sec. 82. (NEW) (*Effective July 1, 2008*) (a) The Department of Public  
2980 Works shall establish construction services award panels which shall  
2981 each consist of six members: Three of whom shall be appointed by the  
2982 Commissioner of Public Works and shall be current employees of the  
2983 Department of Public Works; two of whom shall be appointed by the  
2984 department head of the user agency; and one of whom who shall be a  
2985 neutral party appointed by the commissioner. The members of each  
2986 award panel appointed by the Commissioner of Public Works shall  
2987 serve for terms of one year from July first. If any vacancy occurs on the  
2988 panel, the Commissioner of Public Works or the head or acting head of



2989 the user agency, as appropriate, shall appoint a person for the  
2990 unexpired term in accordance with the provisions of this subsection.

2991 (b) A panel established pursuant to this section shall not be deemed  
2992 to be a board or commission within the meaning of section 4-9a of the  
2993 general statutes. Such panels shall be the award panels for any contract  
2994 for the construction, reconstruction, alteration, remodeling, repair or  
2995 demolition of any public building for the state pursuant to sections 74  
2996 to 81, inclusive, of this act and section 130 of this act.

2997 (c) For each applicable contract, the commissioner shall designate  
2998 one panel to screen all submitted proposals and establish a list of  
2999 bidders to be interviewed and shall designate a separate panel  
3000 consisting of different members to interview bidders on the list and  
3001 submit a list of recommended contractors to the commissioner ranked  
3002 in order of preference with the most qualified bidder listed first.

3003 (d) The commissioner shall designate one voting member on each  
3004 panel to serve as chairperson. The chairperson shall moderate the  
3005 committee, collect votes and compile the results.

3006 (e) Each award panel shall prepare a memorandum on the selection  
3007 process indicating (1) how the evaluation criteria were applied by each  
3008 panel member to determine the most qualified firms, (2) the ranking of  
3009 each bidder by each panel member which shall be available to the  
3010 public after execution of the contract with the selected contractor, and  
3011 (3) a certification by each panel member that the selection of the most  
3012 qualified firm was not the result of collusion, the giving of a gift or the  
3013 promise of a gift, compensation, fraud or inappropriate influence from  
3014 any person.

3015 (f) The commissioner shall select a contractor from among the list of  
3016 firms submitted by the award panel that interviewed the contractors.  
3017 After the commissioner has made a selection, the names of the  
3018 contractor firms submitted to the commissioner shall be available to  
3019 the public upon request. In the event the commissioner does not select

3020 the most qualified bidder listed by the awards panel, the commissioner  
3021 shall prepare a written explanation of the commissioner's decision. The  
3022 commissioner shall also prepare a memorandum on the final phase of  
3023 the selection process, indicating how the commissioner applied the  
3024 evaluation criteria to determine the successful bidder. Such  
3025 memorandum shall include a certification by the commissioner that  
3026 the commissioner's selection of the successful bidder was not the result  
3027 of collusion, the giving of a gift or the promise of a gift, compensation,  
3028 fraud or undue pressure from any person and shall be available to the  
3029 public after execution of the contract with the selected contractor.

3030 (g) The commissioner shall adopt regulations, in accordance with  
3031 chapter 54 of the general statutes, to implement the provisions of this  
3032 section.

3033 Sec. 83. (NEW) (*Effective July 1, 2008*) The commissioner of each state  
3034 agency authorized to contract for the construction or alteration of  
3035 buildings under section 37 of this act or section 4b-51 of the general  
3036 statutes shall provide to the Commissioner of Revenue Services a  
3037 complete list of all contractors and subcontractors doing work on any  
3038 such construction or alteration project, if available, and the contractors'  
3039 and subcontractors' (1) Connecticut tax registration numbers, and (2)  
3040 federal Social Security account numbers or federal employer  
3041 identification numbers or both, if available, before making final  
3042 payment on the project.

3043 Sec. 84. (NEW) (*Effective July 1, 2008*) (a) As used in this section: (1)  
3044 "Prequalification" means prequalification issued by the Commissioner  
3045 of Administrative Services to bid on a contract or perform work  
3046 pursuant to a contract for the construction, reconstruction, alteration,  
3047 remodeling, repair or demolition of any public building by the state or  
3048 a municipality or to perform work under such a contract as a  
3049 substantial subcontractor; (2) "subcontractor" means a person who  
3050 performs work with a value in excess of twenty-five thousand dollars  
3051 for a contractor pursuant to a contract for work for the state or a

3052 municipality which is estimated to cost more than five hundred  
3053 thousand dollars; (3) "principals and key personnel" includes officers,  
3054 directors, shareholders, members, partners and managerial employees;  
3055 (4) "aggregate work capacity rating" means the maximum amount of  
3056 work an applicant is capable of undertaking for any and all projects;  
3057 (5) "single project limit" means the highest estimated cost of a single  
3058 project that an applicant is capable of undertaking; (6) "contract"  
3059 means an agreement for work for the state or a municipality that is  
3060 estimated to cost more than five hundred thousand dollars and is  
3061 funded, in whole or in part, by state funds; (7) "public building" means  
3062 a structure, paid for in whole or in part with state funds, with a roof  
3063 and exterior walls or fire walls and includes, but is not limited to,  
3064 sewage treatment plants, water treatment plants, sewer or drainage  
3065 systems, pump houses and other utility systems, and (8) "substantial  
3066 subcontractor" means a person who performs work with a value in  
3067 excess of five hundred thousand dollars for a contractor pursuant to a  
3068 contract for work for the state or a municipality which is estimated to  
3069 cost more than five hundred thousand dollars.

3070 (b) (1) Any person may apply for prequalification to the Department  
3071 of Administrative Services. Such application shall be made on such  
3072 form as the Commissioner of Administrative Services prescribes and  
3073 shall be accompanied by a nonrefundable application fee as set forth in  
3074 subdivision (2) of this subsection. The application shall be signed  
3075 under penalty of false statement.

3076 (2) The application fee shall be as follows:

3077 Aggregate Work Capacity Rating Fee

3078 \$ 5,000,000. 00 or less \$ 600. 00

3079 \$ 5,000,000. 01 - \$ 8,000,000. 00 \$ 750. 00

3080 \$ 8,000,000. 01 - \$ 10,000,000. 00 \$ 850. 00

3081 \$ 10,000,000. 01 - \$ 15,000,000. 00 \$ 1,000. 00

3082       \$ 15,000,000. 01 - \$ 20,000,000. 00 \$ 1,500. 00

3083       \$ 20,000,000. 01 - \$ 40,000,000.00 \$ 2,000.00

3084       \$ 40,000,000.01 or more \$ 2,500.00

3085       (c) The application form shall, at a minimum, require the applicant  
3086 to supply information concerning:

3087       (1) The applicant's form of organization;

3088       (2) The applicant's principals and key personnel and any names  
3089 under which the applicant, principals or key personnel conducted  
3090 business during the past five years;

3091       (3) Any legal or administrative proceedings pending or concluded  
3092 adversely against the applicant or any of the applicant's principals or  
3093 key personnel within the past five years which relate to the  
3094 procurement or performance of any public or private construction  
3095 contract and whether the applicant is aware of any investigation  
3096 pending against the applicant or any principal or key personnel;

3097       (4) The nature of any financial, personal or familial relationship  
3098 between the applicant and any public or private construction project  
3099 owner listed on the application as constituting construction experience;

3100       (5) A statement of whether (A) the applicant has been disqualified  
3101 pursuant to section 4b-95 of the general statutes, this section or section  
3102 114 of this act, (B) the applicant is on the list distributed by the Labor  
3103 Commissioner pursuant to section 71 of this act, (C) the applicant is  
3104 disqualified or prohibited from being awarded a contract pursuant to  
3105 section 72 of this act, (D) the applicant has been disqualified by another  
3106 state, (E) the applicant has been disqualified by a federal agency or  
3107 pursuant to federal law, (F) the applicant's registration has been  
3108 suspended or revoked by the Department of Consumer Protection  
3109 pursuant to section 20-341gg of the general statutes, (G) the applicant  
3110 has been disqualified by a municipality, and (H) the matters that gave

3111 rise to any such disqualification, suspension or revocation have been  
3112 eliminated or remedied; and

3113 (6) Other information as the commissioner deems relevant to the  
3114 determination of the applicant's qualifications and responsibilities.

3115 (d) The applicant shall include a statement of financial condition  
3116 prepared by a certified public accountant which includes information  
3117 concerning the applicant's assets and liabilities, plant and equipment,  
3118 bank and credit references, bonding company and maximum bonding  
3119 capacity, and other information as the commissioner deems relevant to  
3120 an evaluation of the applicant's financial capacity and responsibility.

3121 (e) Information contained in the application shall be current as of  
3122 the time of filing except that the statement of financial condition shall  
3123 pertain to the applicant's most recently-completed fiscal year.

3124 (f) The commissioner shall determine whether to prequalify an  
3125 applicant on the basis of the application and on relevant past  
3126 performance according to procedures and criteria set forth in  
3127 regulations which the commissioner shall adopt on or before October  
3128 1, 2005, in accordance with chapter 54 of the general statutes. Such  
3129 criteria shall include, at a minimum, the record of the applicant's  
3130 performance, including, but not limited to, written evaluations of the  
3131 applicant's performance on public or private projects the applicant's  
3132 past experience on projects of various size and type, the skill, ability  
3133 and integrity of the applicant and any subcontractors used by the  
3134 applicant, the experience and qualifications of supervisory personnel  
3135 employed by the applicant, the maximum amount of work the  
3136 applicant is capable of undertaking as demonstrated by the applicant's  
3137 financial condition, bonding capacity, size of past projects and present  
3138 and anticipated work commitments, and any other relevant criteria  
3139 that the commissioner prescribes. Such regulations shall also (1)  
3140 provide that the criteria considered shall be assigned separate  
3141 designated numerical values and weights and that the applicant shall  
3142 be assigned an overall numerical rating on the basis of all criteria, and

3143 (2) establish prequalification classifications, aggregate work capacity  
3144 ratings and single project limits. Such prequalification classifications  
3145 shall be used to establish the types of work a contractor or substantial  
3146 subcontractor is qualified to perform and the aggregate work capacity  
3147 ratings shall be used to establish the maximum amount of work a  
3148 contractor or substantial subcontractor is capable of undertaking.

3149 (g) (1) The applicant shall indicate the prequalification  
3150 classifications, aggregate work capacity ratings and single project  
3151 limits that are sought. The commissioner may issue a certificate of  
3152 prequalification to any applicant who meets the requirements of this  
3153 section. Such certificate shall be effective for one year from the date  
3154 issued and shall indicate the contractor's or substantial subcontractor's  
3155 prequalification classifications, aggregate work capacity ratings and  
3156 single project limits. The commissioner may cause the initial certificate  
3157 of prequalification to be effective for a period not to exceed two years  
3158 and may require the applicant to remit payment of the application fee,  
3159 as set forth in subsection (b) of this section, for the first twelve months  
3160 of certification as well as a prorated application fee, as described in  
3161 subdivision (3) of this subsection, for any additional period of  
3162 certification beyond the first twelve months.

3163 (2) A prequalified contractor or substantial subcontractor may apply  
3164 at any time for additional prequalification classifications, aggregate  
3165 work capacity ratings or single project limits by submitting the  
3166 applicable increase in fee, a completed update statement and other  
3167 information the commissioner requires.

3168 (3) The commissioner may renew a prequalification certificate upon  
3169 receipt of a completed update statement, any other material the  
3170 commissioner requires and a nonrefundable fee in an amount not less  
3171 than one-half of the application fee for the applicable aggregate work  
3172 capacity rating as set forth in subsection (b) of this section.

3173 (h) Not later than sixty days after receiving a completed application,  
3174 the commissioner shall mail or send by electronic mail a notice to the

3175 applicant concerning the commissioner's preliminary determination  
3176 regarding the conditions of the prequalification certification, a denial  
3177 of certification, a reduction in the level of certification sought or  
3178 nonrenewal of certification. Any applicant aggrieved by the  
3179 commissioner's preliminary determination may request copies of the  
3180 information upon which the commissioner relied in making the  
3181 preliminary determination, provided such request is made not later  
3182 than ten days after the date the notice was mailed or sent by electronic  
3183 mail to the applicant. Not later than twenty days after the date the  
3184 notice was mailed or sent by electronic mail, the applicant may submit  
3185 additional information to the commissioner with a request for  
3186 reconsideration. The commissioner shall issue a final determination  
3187 regarding the application not later than ninety days after the date the  
3188 commissioner mailed or sent by electronic mail the notice of the  
3189 preliminary determination, which ninety-day period may be extended  
3190 for an additional period not to exceed ninety days if (1) the  
3191 commissioner gives written notice to the applicant that the  
3192 commissioner requires additional time, and (2) such notice is mailed or  
3193 sent by electronic mail during the initial ninety-day period.

3194 (i) The commissioner may not issue or renew a prequalification  
3195 certificate to any contractor or substantial subcontractor (1) who is  
3196 disqualified pursuant to section 114 of this act, or (2) who has a  
3197 principal or key personnel who, within the past five years, has a  
3198 conviction or has entered a plea of guilty or nolo contendere for or has  
3199 admitted to commission of an act or omission that reasonably could  
3200 have resulted in disqualification pursuant to any provision of  
3201 subdivisions (1) to (3), inclusive, of subsection (b) of section 114 of this  
3202 act, as determined by the commissioner.

3203 (j) The commissioner may revoke a contractor's or substantial  
3204 subcontractor's prequalification or reduce the contractor's or  
3205 substantial subcontractor's prequalification classification or aggregate  
3206 work capacity ratings, after an opportunity for a hearing, if the  
3207 commissioner receives additional information that supports such

3208 revocation or reduction or if such contractor is suspended from  
3209 bidding on a state contract pursuant to the provisions of section 115 of  
3210 this act. Prior to the initiation of such hearing or during the course of  
3211 such hearing, the commissioner may suspend a contractor's  
3212 prequalification certificate if the commissioner determines that there is  
3213 probable cause to believe that such contractor engaged in conduct that  
3214 significantly undermines the skill, ability or integrity of such  
3215 contractor. Any such suspension shall not exceed a period of three  
3216 months and shall be accompanied by a written decision of the  
3217 commissioner that sets forth the reasons for and duration of such  
3218 suspension. The commissioner shall send notification of any such  
3219 suspension to such contractor by certified mail, return receipt  
3220 requested.

3221 (k) (1) Any substantial evidence indicating fraud in obtaining or  
3222 maintaining prequalification or any materially false statement in the  
3223 application or any update statement or any update bid statement may,  
3224 in the discretion of the awarding authority, result in termination of any  
3225 contract awarded the applicant by the awarding authority. The  
3226 awarding authority shall provide written notice to the commissioner of  
3227 such false statement not later than thirty days after discovering such  
3228 false statement. The commissioner shall provide written notice of such  
3229 false statement to the Commissioner of Public Works, the  
3230 Commissioner of Consumer Protection and the chair of the  
3231 construction management oversight committee of the University of  
3232 Connecticut not later than thirty days after discovering such false  
3233 statement or receiving such notice.

3234 (2) The commissioner shall deny or revoke the prequalification of  
3235 any person if the commissioner finds that the person has included any  
3236 materially false statement in such application, update statement, or  
3237 update bid statement has been convicted of a crime related to the  
3238 procurement or performance of any public or private construction  
3239 contract has been disqualified by the State Contracting Standards  
3240 Board from bidding on state contracts pursuant to section 114 of this



3241 act or, within the past five years, has otherwise engaged in fraud in  
3242 obtaining or maintaining prequalification. Any revocation made  
3243 pursuant to this subsection shall be made only after an opportunity for  
3244 a hearing. Any person whose prequalification has been revoked  
3245 pursuant to this subsection shall be disqualified for a period of two  
3246 years after which the person may reapply for prequalification, except  
3247 that a person whose prequalification has been revoked on the basis of  
3248 conviction of a crime or engaging in fraud shall be disqualified for a  
3249 period of five years after which the person may reapply for  
3250 prequalification and a person whose prequalification has been revoked  
3251 on the basis of disqualification by the State Contracting Standards  
3252 Board shall be disqualified for the same length of time as the  
3253 disqualification period imposed by the State Contracting Standards  
3254 Board pursuant to section 114 of this act. The commissioner shall not  
3255 prequalify a person whose prequalification has been revoked pursuant  
3256 to this subdivision until the expiration of said suspension or other  
3257 applicable disqualification period and the commissioner is satisfied  
3258 that the matters that gave rise to the revocation have been eliminated  
3259 or remedied.

3260 (l) The commissioner shall provide written notice of any revocation,  
3261 disqualification, reduction in classification or capacity rating or  
3262 reinstated prequalification to the Commissioner of Public Works, the  
3263 Commissioner of Consumer Protection and the chair of the  
3264 construction management oversight committee of the University of  
3265 Connecticut not later than thirty days after any final determination.

3266 (m) The provisions of this section and section 85 of this act shall not  
3267 apply to subcontractors.

3268 (n) The commissioner shall establish an update statement for use by  
3269 bidders and substantial subcontractors for purposes of renewing or  
3270 upgrading a prequalification certificate and an update bid statement  
3271 for purposes of submitting a bid pursuant to section 74 of this act.

3272 (o) Any applicant aggrieved by the commissioner's final

3273 determination concerning a preliminary determination, a denial of  
3274 certification, a reduction in prequalification classification or aggregate  
3275 work capacity rating or a revocation or nonrenewal of certification  
3276 may appeal to the Superior Court in accordance with section 4-183 of  
3277 the general statutes.

3278 (p) Not later than one hundred twenty days after becoming  
3279 prequalified, any contractor or substantial subcontractor prequalified  
3280 under the provisions of this section shall participate in an ethics  
3281 training course approved by the State Contracting Standards Board  
3282 pursuant to section 4 of this act.

3283 (q) The commissioner shall, with the approval of the State  
3284 Contracting Standards Board, adopt regulations, in accordance with  
3285 chapter 54 of the general statutes, to establish a schedule of application  
3286 fees for substantial subcontractors.

3287 Sec. 85. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of  
3288 Administrative Services shall with the approval of the State  
3289 Contracting Standards Board adopt regulations, in accordance with  
3290 chapter 54 of the general statutes, to establish a standard contractor  
3291 evaluation form. Such form shall include, at a minimum, the following  
3292 evaluation criteria:

3293 (1) Timeliness of performance;

3294 (2) Quality of performance;

3295 (3) Cost containment, including, but not limited to, the contractor's  
3296 ability to work within the contract's allotted cost, the accuracy of the  
3297 contractor's billing, and the number and cause of change orders and  
3298 the manner in which the contractor determined the price on the change  
3299 orders;

3300 (4) Safety;

3301 (5) The quality of the contractor's working relationship with the

3302 agency and the quality of the contractor's supervision of the work area;

3303 (6) Communication with the agency;

3304 (7) The quality of the contractor's required documentation;

3305 (8) The performance of the contractor's subcontractors and  
3306 substantial subcontractors, to the extent known by the official who  
3307 completes the evaluation; and

3308 (9) The contractor's and any subcontractor's compliance with part III  
3309 of chapter 557, or chapter 558, or the provisions of the federal Davis-  
3310 Bacon Act, 40 USC, Sections 276a to 276a-5, inclusive, as from time to  
3311 time amended, to the extent known by the official who completes the  
3312 evaluation.

3313 (b) Each state contracting agency shall compile evaluation  
3314 information during the performance of the contract and complete and  
3315 submit the evaluation form to the commissioner after completion of a  
3316 building project under the agency's control if the building project is  
3317 funded, in whole or in part, by state funds. Such evaluation  
3318 information shall be filed with the Commissioner of Administrative  
3319 Services and the State Contracting Standards Board and made  
3320 available to any state contracting agency for purposes of assessing the  
3321 responsibility of the contractor during a bid selection and evaluation  
3322 process. The Agency Procurement Officer shall certify that the  
3323 information contained in the evaluation form represents, to the best of  
3324 the certifying officer's knowledge, a true and accurate analysis of the  
3325 contractor's performance record on the contract. The commissioner  
3326 shall include the evaluation in the contractor's prequalification file. The  
3327 official shall mail a copy of the completed evaluation form to the  
3328 contractor. Any contractor who wishes to contest any information  
3329 contained in the evaluation form may submit a written response to the  
3330 commissioner not later than thirty days after the date the form was  
3331 mailed as indicated by the postmark on the envelope. Such response  
3332 shall set forth any additional information concerning the building

3333 project or the oversight of the contract by the state contracting agency  
3334 that may be relevant in the evaluation of the contractor's performance  
3335 on the project. The commissioner shall include any such response in  
3336 the contractor's prequalification file.

3337 (c) As used in this section, "state contracting agency" means a state  
3338 contracting agency, as defined in section 47 of this act, but does not  
3339 include The University of Connecticut with respect to any project, as  
3340 defined in subdivision (16) of section 10a-109c of the general statutes,  
3341 that is undertaken and controlled by the university, "contract" means  
3342 an agreement for work for the state or a municipality that is estimated  
3343 to cost more than five hundred thousand dollars and is funded in  
3344 whole or in part by state funds, and "subcontractor" means a person  
3345 who performs work with a value in excess of twenty-five thousand  
3346 dollars for a contractor pursuant to a contract, and "substantial  
3347 subcontractor" means a substantial contractor as defined in section 84  
3348 of this act.

3349 (d) Upon fifty per cent completion of any building project under a  
3350 state contracting agency's control, the agency shall advise the  
3351 contractor in writing of the agency's preliminary evaluation of the  
3352 contractor's performance on the project.

3353 (e) No state contracting agency, employee of a state contracting  
3354 agency or an Agency Procurement Officer shall be held liable to any  
3355 contractor for any loss or injury sustained by such contractor as the  
3356 result of the completion of an evaluation form, as required by this  
3357 section, unless such agency, employee or official is found by a court of  
3358 competent jurisdiction to have acted in a wilful, wanton or reckless  
3359 manner.

3360 (f) Any state contracting agency that fails to submit a completed  
3361 evaluation form to the Commissioner and the State Contracting  
3362 Standards Board, as required by this section, not later than seventy  
3363 days after the completion of a project, shall be ineligible for the receipt  
3364 of any public funds disbursed by the state for the purposes of the

3365 construction, reconstruction, alteration, remodeling, repair or  
3366 demolition of any public building or any public works project until  
3367 such completed evaluation form is submitted.

3368 (g) Notwithstanding the provisions of subsection (a) of this section,  
3369 any political subdivision of the state, when evaluating the performance  
3370 of a contractor's subcontractors or substantial subcontractors, to the  
3371 extent known, may rely on an evaluation of such subcontractors or  
3372 substantial subcontractors that is conducted by the contractor.

3373 Sec. 86. (NEW) (*Effective July 1, 2008*) Reserved section.

3374 Sec. 87. (NEW) (*Effective July 1, 2008*) The commissioner or other  
3375 appropriate award authority may request factual information  
3376 reasonably available to the bidder or proposer to substantiate that the  
3377 price or cost offered, or some portion of it, is reasonable, if:

3378 (1) The price is not:

3379 (A) Based on adequate price competition;

3380 (B) Based on established catalogue or market prices; or

3381 (C) Set by law or regulation; and

3382 (2) The price or cost exceeds an amount established in the  
3383 regulations.

3384 Sec. 88. (NEW) (*Effective July 1, 2008*) Federal Social Security number  
3385 or employer identification number required of all contractors  
3386 purchasing goods or services.

3387 (1) Each state contracting agency when contracting to purchase  
3388 goods or services or when leasing real or personal property shall  
3389 require each person contracting with the state to provide such person's  
3390 federal Social Security account number or federal employer  
3391 identification number, or both, if available, to such agency or the  
3392 reason or reasons for the unavailability. Such numbers or reasons shall

3393 be obtained by any agency as part of the administration of taxes  
3394 administered by the commissioner of revenue services for the purpose  
3395 of establishing the identification of persons affected by such taxes.

3396 (2) Each state contracting agency shall, on or before August 1, 1995,  
3397 and August first annually thereafter furnish to the commissioner of  
3398 revenue services, on a compatible magnetic tape file or in some other  
3399 form which is acceptable to the commissioner, a list of all persons  
3400 furnishing goods or services or leasing real or personal property to  
3401 such agency, if any, during the preceding state fiscal year.

3402 (3) Each list provided to the commissioner of revenue services  
3403 pursuant to this section shall contain the name, address, federal Social  
3404 Security account number or federal employer identification number of  
3405 each person named on such list, or both, if available to such state  
3406 contracting agency or the reason or reasons for the unavailability.

3407 Sec. 89. (NEW) (*Effective July 1, 2008*) (a) On and after July 13, 2005,  
3408 no state contracting agency or quasi-public agency shall execute a  
3409 contract for the purchase of goods or services, which contract has a  
3410 total value to the state of fifty thousand dollars or more in any calendar  
3411 or fiscal year, unless the state contracting agency or quasi-public  
3412 agency obtains the written affidavit described in subsection (b) of this  
3413 section.

3414 (b) (1) The chief official of the bidder or proposer awarded a  
3415 contract described in subsection (a) of this section or the individual  
3416 awarded such contract who is authorized to execute such contract,  
3417 shall attest in an affidavit as to whether any consulting agreement has  
3418 been entered into in connection with such contract. Such affidavit shall  
3419 be required if any duties of the consultant included communications  
3420 concerning business of such state agency, whether or not direct contact  
3421 with a state contracting agency, state or public official or state  
3422 employee was expected or made. As used in this section "consulting  
3423 agreement" means any written or oral agreement to retain the services,  
3424 for a fee, of a consultant for the purposes of (A) providing counsel to a

3425 contractor, proposer, consultant or other entity seeking to conduct, or  
3426 conducting, business with the state, (B) contacting, whether in writing  
3427 or orally, any executive, judicial, or administrative office of the state,  
3428 including any department, institution, bureau, board, commission,  
3429 authority, official or employee for the purpose of solicitation, dispute  
3430 resolution, introduction, requests for information, or (C) any other  
3431 similar activity related to such contract. Consulting agreement does  
3432 not include any agreements entered into with a consultant who is  
3433 registered under the provisions of chapter 10 of the general statutes as  
3434 of the date such affidavit is submitted in accordance with the  
3435 provisions of this section.

3436 (2) Such affidavit shall be sworn as true to the best knowledge and  
3437 belief of the person signing the certification on the affidavit and shall  
3438 be subject to the penalties of false statement.

3439 (3) Such affidavit shall include the name of the consultant, the  
3440 consultant's firm, the basic terms of the consulting agreement, a brief  
3441 description of the services provided, and an indication as to whether  
3442 the consultant is a former state employee or public official. If the  
3443 consultant is a former state employee or public official, such affidavit  
3444 shall indicate his or her former agency and the date such employment  
3445 terminated.

3446 (4) Such affidavit shall be amended whenever the bidder or  
3447 proposer awarded the contract enters into any new consulting  
3448 agreement during the term of such contract.

3449 (c) Each state contracting agency and quasi-public agency shall  
3450 include a notice of the affidavit requirements of this section in the bid  
3451 specifications or request for proposals for any contract that is described  
3452 in subsection (a) of this section.

3453 (d) In the event that a bidder or proposer refuses to submit the  
3454 affidavit required under subsection (b) of this section, such bidder or  
3455 proposer shall be disqualified and the state contracting agency or

3456 quasi-public agency shall award the contract to the next highest  
3457 ranked proposer or the next lowest responsible qualified bidder or  
3458 seek new bids or proposals.

3459       Sec. 90. (NEW) (*Effective July 1, 2008*) With respect to any contract for  
3460 the construction, reconstruction, alteration, remodeling, repair or  
3461 demolition of any public building under the supervision and control of  
3462 the Commissioner of Transportation which contract is estimated to  
3463 cost more than five hundred thousand dollars and is not subject to  
3464 section 4b-51 of the general statutes, the Commissioner of  
3465 Transportation shall award the contract to the lowest responsible and  
3466 qualified bidder, as defined in section 75 of this act, in accordance with  
3467 regulations which the commissioner shall adopt, in accordance with  
3468 chapter 54. Such regulations shall establish, at a minimum: (1)  
3469 Standards for the advertisement of opportunities to bid, (2) objective  
3470 criteria for evaluating the qualifications of bidders (3) the procedures  
3471 for evaluating bids after the prequalification status of a bidder has  
3472 been verified, and (4) award panels for the purpose of screening  
3473 submitted bids , interviewing bidders and making recommendations  
3474 to the commissioner. Any contract that is subject to section 4b-51 of the  
3475 general statutes shall be awarded by the Commissioner of Public  
3476 Works in accordance with chapter 60 of the general statutes.

3477       Sec. 91. (NEW) (*Effective July 1, 2008*) The Commissioner of  
3478 Administrative Services or his designee, in consultation with the State  
3479 Contracting Standards Board, may classify the requirements of the  
3480 state government for supplies, materials and equipment which may be  
3481 purchased by the state and may adopt as standards the minimum  
3482 number of qualities, sizes and varieties of such supplies, materials and  
3483 equipment consistent with the successful operation of the state  
3484 government. If the commissioner adopts any such standards, the  
3485 commissioner shall prepare, adopt and promulgate written  
3486 specifications describing such standards, provided specifications shall  
3487 not be required for any supplies, materials or equipment for which the  
3488 commissioner determines that the cost of preparing specifications



3489 would outweigh the benefits. In the preparation and revision of any  
3490 such standard specification, the commissioner or his designee may  
3491 seek the advice, assistance and cooperation of the state agencies  
3492 concerned in order to ascertain their precise requirements. Each  
3493 specification adopted for any commodity shall satisfy the requirements  
3494 of the state departments, agencies and institutions which are to make  
3495 use of the same, unless the commissioner approves a waiver of the  
3496 specification and states the reason for the waiver in writing. In  
3497 developing specifications for the purchase of motor vehicles, the  
3498 commissioner or his designee shall consider motor vehicles using  
3499 alternative fuels. The commissioner may adopt the energy  
3500 performance standards established pursuant to subsection (j) of section  
3501 16a-38 of the general statutes.

3502 Sec. 92. (NEW) (*Effective July 1, 2008*) The Commissioner of  
3503 Administrative Services shall promulgate regulations, with the  
3504 approval of the State Contracting Standards Board, establishing  
3505 standards for the preparation, maintenance, and content of  
3506 specifications for supplies, services, and construction required by the  
3507 state.

3508 Sec. 93. (NEW) (*Effective July 1, 2008*) The State Contracting  
3509 Standards Board shall monitor the use of specifications for supplies,  
3510 services, and construction required by the each State Contracting  
3511 Agency.

3512 Sec. 94. (NEW) (*Effective July 1, 2008*) The Department of  
3513 Administrative Services shall obtain expert advice and assistance from  
3514 personnel of State Contracting Agencies in the development of  
3515 specifications and may delegate in writing to a State Contracting  
3516 Agency the authority to prepare and utilize its own specifications.

3517 Sec. 95. (NEW) (*Effective July 1, 2008*) All specifications shall seek to  
3518 promote overall economy for the purposes intended and encourage  
3519 competition in satisfying the state's needs, and shall not be unduly  
3520 restrictive.

3521       Sec. 96. (NEW) (*Effective July 1, 2008*) The requirements of this act  
3522 regarding the purposes and nonrestrictiveness of specifications shall  
3523 apply to all specifications prepared other than by state personnel,  
3524 including, but not limited to, those prepared by architects, engineers,  
3525 and designers.

3526       Sec. 97. (NEW) (*Effective July 1, 2008*) The Department of  
3527 Administrative Services and each other budgeted agency, as defined in  
3528 section 4-69 of the general statutes, exercising procurement authority  
3529 shall procure equipment and appliances for state use which meet or  
3530 exceed the federal energy conservation standards set forth in the  
3531 Energy Policy and Conservation Act, 42 USC 6295, any federal  
3532 regulations adopted thereunder and any applicable energy  
3533 performance standards established in accordance with subsection (j) of  
3534 section 16a-38 of the general statutes. Purchases of equipment and  
3535 appliances for which energy performance standards have been  
3536 established pursuant to subsection (j) of section 16a-38 of the general  
3537 statutes shall be (1) made from among those specific models of  
3538 equipment and appliances which meet such standards, and (2) based,  
3539 when possible, on competitive bids. Such bids shall be evaluated on  
3540 the basis of the life-cycle cost standards, if any, established pursuant to  
3541 subsection (b) of section 16a-38 of the general statutes.

3542       Sec. 98. (NEW) (*Effective July 1, 2008*) (a) The fleet average for cars or  
3543 light duty trucks purchased by the state shall: (1) On and after October  
3544 1, 2001, have a United States Environmental Protection Agency  
3545 estimated highway gasoline mileage rating of at least thirty-five miles  
3546 per gallon and on and after January 1, 2003, have a United States  
3547 Environmental Protection Agency estimated highway gasoline mileage  
3548 rating of at least forty miles per gallon, (2) comply with the  
3549 requirements set forth in 10 CFR 490 concerning the percentage of  
3550 alternative-fueled vehicles required in the state motor vehicle fleet, and  
3551 (3) obtain the best achievable mileage per pound of carbon dioxide  
3552 emitted in its class. The alternative-fueled vehicles purchased by the  
3553 state to comply with said requirements shall be capable of operating

3554 on natural gas or electricity or any other system acceptable to the  
3555 United States Department of Energy that operates on fuel that is  
3556 available in the state.

3557 (b) The provisions of subsection (a) of this section shall not apply to  
3558 cars or light duty trucks purchased for law enforcement or other  
3559 special use purposes as designated by the Department of  
3560 Administrative Services.

3561 (c) As used in this section, the terms "car" and "light duty truck"  
3562 shall be as defined in the United States Department of Energy  
3563 Publication DOE/CE -0019/8, or any successor publication.

3564 Sec. 99. (NEW) (*Effective July 1, 2008*) All recycled xerographic or  
3565 copy paper purchased by the state for use in state offices shall meet the  
3566 applicable minimum recycled content standards established in federal  
3567 Executive Order No. 13101, and any regulations or guidelines  
3568 promulgated by the United States Environmental Protection Agency to  
3569 carry out the purposes of said order, for purchase of paper by the  
3570 federal government provided such paper shall have a composition  
3571 such that at least ten per cent of the fiber material used to produce  
3572 such paper is derived from post-consumer recovered paper. Any  
3573 recycled white paper used for state lottery tickets and tax return forms  
3574 shall meet the standards provided therein for xerographic copy paper  
3575 provided at least thirty per cent of the fiber material used to produce  
3576 such paper is derived from post-consumer recovered paper and  
3577 further provided the recycled paper for lottery tickets meets lottery  
3578 security requirements. All tax return booklets prepared by the  
3579 Department of Revenue Services shall be printed on recycled paper  
3580 which meets the minimum recycled content standards for white paper  
3581 or newsprint, whichever is used in such booklets, established by the  
3582 United States Environmental Protection Agency provided at least ten  
3583 per cent of the fiber material used to produce such white paper is  
3584 derived from post-consumer recovered paper.

3585 Sec. 100. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of

3586 Administrative Services shall revise the specifications for printing and  
3587 writing paper purchased by the state to (1) incorporate the standards  
3588 provided for in federal Executive Order No. 13101 and any regulations  
3589 or guidelines promulgated by the United States Environmental  
3590 Protection Agency to carry out the purposes of said order and (2)  
3591 provide for the purchase and use by state agencies of paper composed  
3592 entirely of materials manufactured using processes (A) which do not  
3593 involve the harvesting of trees or which are otherwise derived entirely  
3594 from sources other than trees and (B) which can be categorized as  
3595 having less adverse impact on the environment than conventional  
3596 processes.

3597 (b) The commissioner may provide for alternative standards in such  
3598 specifications if the commissioner determines that (1) a satisfactory  
3599 level of competition does not exist with regard to the market for a  
3600 particular paper item specified in such standards, (2) a particular paper  
3601 item is not available within a reasonable time period or (3) the  
3602 available items fail to meet reasonable performance standards  
3603 established by the agency for which such items are being procured.

3604 Sec. 101. (NEW) (*Effective July 1, 2008*) (a) Subject to the limitations  
3605 of this section, any type of contract which will promote the best  
3606 interests of the state may be used, provided the use of a cost-plus-a-  
3607 percentage-of-cost contract is prohibited. A cost-reimbursement  
3608 contract may be used only when a determination is made in writing  
3609 that such contract is likely to be less costly to the state than any other  
3610 type or that it is impracticable to obtain the supplies, services, or  
3611 construction required except under such a contract.

3612 (b) Each bid or proposal, with the name of the bidder, or proposer,  
3613 shall be entered on a record, and each record, with the successful bid  
3614 or proposal indicated thereon, shall, after the award of the order or  
3615 contract, be open to public inspection.

3616 (c) All contracts shall be approved as to form by the Attorney  
3617 General and a copy of each contract shall be filed with the Comptroller

3618 and the State Contracting Standards Board.

3619       Sec. 102. (NEW) (*Effective July 1, 2008*) The State Contracting  
3620 Standards Board shall adopt regulations requiring that contractors  
3621 submit appropriate documentation prior to the award of contracts in  
3622 which the state agrees to reimburse costs, confirming that:

3623       (1) The proposed contractor's accounting system will permit timely  
3624 development of all necessary cost data in the form required by the  
3625 specific contract type contemplated; and

3626       (2) The proposed contractor's accounting system is adequate to  
3627 allocate costs in accordance with generally accepted accounting  
3628 principles.

3629       Sec. 103. (NEW) (*Effective July 1, 2008*) (a) Unless otherwise provided  
3630 by law, a contract for supplies or services may be entered into for any  
3631 period of time deemed to be in the best interests of the state provided  
3632 the term of the contract and conditions of renewal or extension, if any,  
3633 are included in the solicitation and funds are available for the first  
3634 fiscal period at the time of contracting. Payment and performance  
3635 obligations for succeeding fiscal periods shall be subject to the  
3636 availability and appropriation of funds therefor.

3637       (b) A multiyear contract is authorized where:

3638       (1) Estimated requirements cover the period of the contract and are  
3639 firm and continuing; and

3640       (2) Such a contract will serve the best interests of the State by  
3641 encouraging effective competition or otherwise promoting economies  
3642 in procurement.

3643       (c) When funds are not appropriated or otherwise made available to  
3644 support continuation of performance in a subsequent fiscal period, the  
3645 contract shall be cancelled and the contractor shall be reimbursed for  
3646 the reasonable value of any non-recurring costs incurred but not

3647 amortized in the price of the supplies or services delivered under the  
3648 contract. The cost of cancellation may be paid from any appropriations  
3649 available for such purposes.

3650       Sec. 104. (NEW) (*Effective July 1, 2008*) A state contracting agency  
3651 may, at reasonable times, inspect the part of the plant or place of  
3652 business of a contractor or any subcontractor which is related to the  
3653 performance of any contract awarded or to be awarded by the state.

3654       Sec. 105. (NEW) (*Effective July 1, 2008*) (a) A state contracting agency  
3655 may, at reasonable times and places, audit the books and records of  
3656 any person who has submitted data in substantiation of offered prices  
3657 pursuant to section 87 of this act to the extent that such books and  
3658 records relate to that data. Any person who receives a contract, change  
3659 order, or contract modification for which such data is required, shall  
3660 maintain such books and records that relate to such cost or pricing  
3661 data for three years from the expiration of the contract, unless a shorter  
3662 period is otherwise authorized in writing.

3663       (b) A state contracting agency shall be entitled to audit the books  
3664 and records of a contractor or any subcontractor under any negotiated  
3665 contract or subcontract to the extent that such books and records relate  
3666 to the performance of such contract or subcontract. Such books and  
3667 records shall be maintained by the contractor for a period of three (3)  
3668 years from the date of final payment under the prime contract and by  
3669 the subcontractor for a period of three (3) years from the expiration of  
3670 the subcontract, unless a shorter period is otherwise authorized in  
3671 writing.

3672       Sec. 106. (NEW) (*Effective July 1, 2008*) Any person contracting with  
3673 the state shall make payment to any subcontractor employed by such  
3674 contractor within thirty days of payment by the state to the contractor  
3675 for any work performed or, in the case of any contract entered into on  
3676 or after October 1, 1986, for materials furnished by such subcontractor,  
3677 provided such contractor may withhold such payment if such  
3678 contractor has a bona fide reason for such withholding and if such

3679 contractor notifies the affected subcontractor, in writing, of his reasons  
3680 for withholding such payment and provides the state board,  
3681 commission, department, office, institution, council or other agency  
3682 through which such contractor had made the contract, with a copy of  
3683 the notice, within such thirty-day period.

3684 Sec. 107. (NEW) (*Effective July 1, 2008*) The determinations required  
3685 by sections 57, 58, 60, 61, 64, 70, 87, 101, 102, 103 and 125 of this act are  
3686 final and conclusive unless they are clearly erroneous, arbitrary,  
3687 capricious, or contrary to law.

3688 Sec. 108. (NEW) (*Effective July 1, 2008*) When for any reason  
3689 collusion or other anticompetitive practices are suspected among any  
3690 bidders or proposers, a notice of the relevant facts shall be transmitted  
3691 to the Attorney General.

3692 Sec. 109. (NEW) (*Effective July 1, 2008*) All procurement records shall  
3693 be retained and disposed of in accordance with records retention  
3694 guidelines and schedules approved by the Public Records  
3695 Administrator.

3696 Sec. 110. (NEW) (*Effective July 1, 2008*) The Agency Procurement  
3697 Officer shall maintain a record listing all contracts made under sections  
3698 60, 61 and 64 of this act for a minimum of five years. The record shall  
3699 contain:

3700 (1) Each contractor's name;

3701 (2) The amount and type of each contract; and

3702 (3) A listing of the supplies, services, or construction procured  
3703 under each contract.

3704 Sec. 111. (NEW) (*Effective July 1, 2008*) The department head of each  
3705 state contracting agency shall submit to the State Contracting  
3706 Standards Board, the joint standing committee of the General  
3707 Assembly having cognizance of matters relating to government

3708 administration, the State Auditors and the Comptroller, an annual  
3709 report of all awards made pursuant to the provisions of this act.

3710       Sec. 112. (NEW) (*Effective from passage*) (a) (1) As a state contracting  
3711 agency seeks to find the best value for the citizens of the State of  
3712 Connecticut it should evaluate whether delivering services or activities  
3713 effectively and efficiently is best done using internal state resources or  
3714 contracted resources with a person or entity not a part of state service.  
3715 Such an evaluation should be done using both quantitative and  
3716 qualitative analysis through the development of a business case.  
3717 Whenever it appears that a person or entity not a part of state service  
3718 can more effectively and efficiently provide services that are currently  
3719 being provided by state employees the state contracting agency shall  
3720 first develop a business case to evaluate feasibility, cost-effectiveness,  
3721 and efficiency.

3722       (2) Upon the completion of such business case in accordance with  
3723 sub-section (c) of this section, the state contracting agency shall submit  
3724 such proposal to the State Contracting Standards Board.

3725       (3) This section does not apply to a procurement of contractual  
3726 services that are obtained with federal funds.

3727       (b) (1) Upon receipt of the business case the State Contracting  
3728 Standards Board shall immediately refer the proposal to the  
3729 privatization contract committee of the Board.

3730       (2) There shall be a privatization contract committee of the State  
3731 Contracting Standards Board that shall review, evaluate, issue  
3732 advisory reports and make recommendations on business cases  
3733 submitted to the State Contracting Standards Board for its approval.  
3734 The privatization contract committee shall consist of five members of  
3735 the State Contracting Standards Board who represent both the majority  
3736 and minority parties and who are appointed by the chairperson. The  
3737 chairperson of the board shall serve as the chairperson of the  
3738 privatization contract committee.



3739 (3) The privatization contract committee shall employ a standard  
3740 process for reviewing, evaluating and recommending business cases  
3741 for privatization proposals requested by the proposing state  
3742 contracting agency.

3743 (4) Each state contracting agency shall submit to the State  
3744 Contracting Standards Board all information, documents, or other  
3745 materials required by the Board, the privatization contract committee  
3746 or this chapter.

3747 (c) (1) For any proposed privatization contract, the state contracting  
3748 agency shall develop a business case that includes, but need not be  
3749 limited to:

3750 (A) A detailed description of the service or activity for which the  
3751 privatization contracting is proposed,

3752 (B) A description and analysis of the state agency's current  
3753 performance of the service or activity,

3754 (C) The goals desired to be achieved through the proposed  
3755 privatization and the rationale for such goals,

3756 (D) A description of available options for achieving the goals,

3757 (E) An analysis of the advantages and disadvantages of each option,  
3758 including, at a minimum, potential performance improvements and  
3759 risks,

3760 (F) A description of the current market for the contractual services  
3761 that are under consideration for privatization,

3762 (G) A cost-benefit analysis documenting the direct and indirect  
3763 specific costs, savings, and qualitative and quantitative benefits  
3764 involved in or resulting from the implementation of the recommended  
3765 option or options. Such analysis must specify the schedule that, at a  
3766 minimum, must be adhered to in order to achieve the estimated

3767 savings. All elements of cost must be clearly identified in the cost-  
3768 benefit analysis, described in the business case, and supported by  
3769 applicable records and reports. The state agency head shall attest that,  
3770 based on the data and information underlying the business case, all  
3771 projected costs, savings, and benefits are valid and achievable. As used  
3772 in this section, the term "cost," means the reasonable, relevant, and  
3773 verifiable cost, which may include, but is not limited to, elements such  
3774 as salary, fringe benefits, materials and supplies, services, equipment,  
3775 capital depreciation, rent, maintenance and repairs, utilities, insurance,  
3776 personnel travel, overhead, and interim and final payments. The  
3777 appropriate elements shall depend on the nature of the specific  
3778 initiative. As used in this section, the term "savings" means the  
3779 difference between the direct and indirect actual annual baseline costs  
3780 compared to the projected annual cost for the contracted functions or  
3781 responsibilities in any succeeding state fiscal year during the term of  
3782 the proposed contract,

3783 (H) A description of the specific performance standards that must,  
3784 at a minimum be met, to ensure adequate performance by any party  
3785 performing the service or activity,

3786 (I) The projected timeframe for key events from the beginning of the  
3787 procurement process through the expiration of a contract,

3788 (J) A specific and feasible contingency plan addressing contractor  
3789 nonperformance and a description of the tasks involved in and costs  
3790 required for its implementation, and

3791 (K) A transition plan for addressing changes in the number of  
3792 agency personnel, affected business processes, employee transition  
3793 issues, and communication with affected stakeholders, such as agency  
3794 clients and the public. The transition plan must contain a  
3795 reemployment and retraining assistance plan for employees who are  
3796 not retained by the state or employed by the contractor.

3797 (2) The Department of Administrative Services, in consultation with

3798 the board, shall:

3799 (A) Recommend and implement standards and processes for state  
3800 agencies to develop business cases to privatize, including templates for  
3801 use by state agencies in submitting business cases to the privatization  
3802 contract committee, policies and procedures to guide agencies to  
3803 complete business case for privatization contracts, and any other  
3804 assistance necessary as determined by the Commissioner of  
3805 Administrative Services;

3806 (B) Recommend incorporation of any lessons learned from  
3807 privatization contracting functions, services, and activities into  
3808 business case standards, procedures, and guidelines, and as  
3809 appropriate, regarding best practices in privatization contracting  
3810 efforts; and

3811 (C) Develop guidelines and procedures for assisting state employees  
3812 whose jobs are eliminated as a result of a privatization contract.

3813 (3) The Office of Policy and Management, in consultation with the  
3814 board shall develop policies and procedures, including templates for  
3815 use by state agencies in submitting business cases to the privatization  
3816 contract committee, to assist agencies in developing a cost benefit  
3817 analysis for a business case and shall review with each agency the  
3818 budgetary impact of such a contract and any need to request budget  
3819 adjustments.

3820 (d) (1) To privatize a service or activity that has a projected cost  
3821 exceeding one million dollars over the life of the contract, the state  
3822 contracting agency shall conduct a complete business case analysis  
3823 prior to publishing any notice soliciting bids for a privatization  
3824 contract. Such business case shall be submitted to the Governor, the  
3825 President of the Senate, the Speaker of the House of Representatives,  
3826 the State Contracting Standards Board and any collective bargaining  
3827 unit affected by the proposal. The privatization contract committee  
3828 shall evaluate the business case and submit its evaluation to the State

3829 Contracting Standards Board for review and approval.

3830 (2) The State Contracting Standards Board shall no later than sixty  
3831 days after the receipt of the business case provide to the agency  
3832 conducting the procurement, the Governor, the President of the Senate,  
3833 and the Speaker of the House of Representatives and any collective  
3834 bargaining unit affected by the proposal a report detailing its review,  
3835 evaluation and disposition regarding such business case. The report  
3836 shall contain the business case, the evaluation of the business case by  
3837 the privatization contract committee, reasons for approval or  
3838 disapproval, any relevant recommendations, and sufficient  
3839 information to assist the state contracting agency proposing to  
3840 privatize in determining if additional steps are necessary to move  
3841 forward with the publication of a notice to solicit bids for a  
3842 privatization contract.

3843 (3) Only after the board approves the business case can the  
3844 requesting state contacting agency publish any notice soliciting bids  
3845 for a privatization contract.

3846 (4) Each state contracting agency shall notify, in writing, the State  
3847 Contracting Standards Board, of any changes to a board approved  
3848 business case, as a proposed amendment to the business case, for  
3849 review and approval by the board. The board may approve or  
3850 disapprove of any such proposed amendment to a business case  
3851 within thirty days of the receipt of such proposed amendment.

3852 (e) (1) The privatization contract requirements, as defined in sub-  
3853 section (d) of this section, will apply to quasi-publics, constituent units  
3854 of higher education and the judicial and legislative branches of state  
3855 government in accordance with the implementation dates contained in  
3856 section 46 of this act.

3857 (2) The board shall conduct a study of the privatization policies and  
3858 practices of quasi-public entities and the constituent units of higher  
3859 education by January 1, 2008.

3860 (f) Notwithstanding the provisions of this section, a state  
3861 contracting agency may enter into a privatization contract without  
3862 prior completion or submission of a business case in accordance with  
3863 subsection (c) and without prior approval of the State Contracting  
3864 Standards Board if (1) the agency finds that a privatization contract is  
3865 required (A) due to an imminent peril to the public health, safety or  
3866 welfare and (B) the agency states in writing its reasons for such finding  
3867 and (2) the Governor approves such finding in writing.

3868 Sec. 113. (NEW) (*Effective July 1, 2008*) The State Contracting  
3869 Standards Board may, in its discretion, establish, by regulation, a  
3870 procedure for resolving protested solicitations or awards.

3871 Sec. 114. (NEW) (*Effective July 1, 2008*) (a) After reasonable notice, a  
3872 hearing and consultation with the relevant state contracting agency  
3873 and the Attorney General, the State Contracting Standards Board,  
3874 acting through a subcommittee of three members appointed by the  
3875 chairperson, may disqualify any contractor, bidder or proposer, for a  
3876 period of up to five years, from bidding on, applying for, or  
3877 participating as a contractor or subcontractor under, contracts with the  
3878 state. Such disqualification shall be upon the vote of two-thirds of the  
3879 members of the board subcommittee present and voting for that  
3880 purpose. Such hearing shall be conducted in accordance with chapter  
3881 54 of the general statutes. The board subcommittee shall issue a  
3882 written decision not later than ninety days after the conclusion of such  
3883 hearing and state in the decision the reasons for the action taken and, if  
3884 the contractor, bidder or proposer is being disqualified, the period of  
3885 such disqualification. The existence of a cause for disqualification, as  
3886 described in subsection (b) of this section, may not be the sole factor to  
3887 be considered by the board subcommittee in determining whether the  
3888 contractor, bidder or proposer shall be disqualified. In determining  
3889 whether to disqualify a contractor, bidder or proposer, the board shall  
3890 consider the seriousness of the acts or omissions of the contractor,  
3891 bidder or proposer and any mitigating factors. The board  
3892 subcommittee shall send the decision to the contractor by certified

3893 mail, return receipt requested. The written decision shall be a final  
3894 decision for purposes of sections 4-180 and 4-183 of the general  
3895 statutes.

3896 (b) Causes for such disqualification shall include the following:

3897 (1) Conviction of, or entry of a plea of guilty or nolo contendere or  
3898 admission to, the commission of a criminal offense as an incident to  
3899 obtaining or attempting to obtain a public or private contract or  
3900 subcontract, or in the performance of such contract or subcontract;

3901 (2) Conviction of, or entry of a plea of guilty or nolo contendere or  
3902 admission to, the violation of any state or federal law for  
3903 embezzlement, theft, forgery, bribery, falsification or destruction of  
3904 records, receiving stolen property or any other offense indicating a  
3905 lack of business integrity or business honesty which affects  
3906 responsibility as a state contractor;

3907 (3) Conviction of, or entry of a plea of guilty or nolo contendere or  
3908 admission to, a violation of any state or federal antitrust, collusion or  
3909 conspiracy law arising out of the submission of bids or proposals on a  
3910 public or private contract or subcontract;

3911 (4) Accumulation of two or more suspensions pursuant to section  
3912 115 of this act within a twenty-four-month period;

3913 (5) A wilful, negligent or reckless failure to perform in accordance  
3914 with the terms of one or more contracts or subcontracts, agreements or  
3915 transactions with state contracting agencies;

3916 (6) A history of failure to perform or of unsatisfactory performance  
3917 on one or more public contracts, agreements or transactions with state  
3918 contracting agencies;

3919 (7) A wilful violation of a statutory or regulatory provision or  
3920 requirement applicable to a contract, agreement of transaction with  
3921 state contracting agencies;

3922 (8) A wilful or egregious violation of the ethical standards set forth  
3923 in sections 1-84 and 1-86e of the general statutes and section 84 of this  
3924 act; or

3925 (9) Any other cause or conduct the board determines to be so  
3926 serious and compelling as to affect responsibility as a state contractor,  
3927 including, but not limited to:

3928 (A) Disqualification by another state for cause;

3929 (B) The fraudulent, criminal or seriously improper conduct of any  
3930 officer, director, shareholder, partner, employee or other individual  
3931 associated with a contractor, bidder or proposer of such contractor,  
3932 bidder or proposer, provided such conduct occurred in connection  
3933 with the individual's performance of duties for or on behalf of such  
3934 contractor, bidder or proposer and such contractor, bidder or proposer  
3935 knew or had reason to know of such conduct. The term "other  
3936 seriously improper conduct" shall not include advice from an attorney,  
3937 accountant or other paid consultant if it was reasonable for the  
3938 contractor to rely on such advice;

3939 (C) The fraudulent, criminal or other seriously improper conduct of  
3940 a contractor may be imputed to any officer, director, shareholder,  
3941 partner, employee or other individual associated with the contractor,  
3942 bidder or proposer who participated in, knew of or had reason to  
3943 know of the conduct of the contractor, bidder or proposer;

3944 (D) The fraudulent, criminal or other seriously improper conduct of  
3945 one contractor, bidder or proposer participating in a joint venture or  
3946 similar arrangement may be imputed to other participating  
3947 contractors, bidders or proposers if the conduct occurred for or on  
3948 behalf of the joint venture or similar arrangement and these  
3949 contractors, bidders or proposers knew of or had reason to know of  
3950 such conduct; and

3951 (E) The existence of an informal or formal business relationship with

3952 a contractor who has been disqualified from bidding or proposing on  
3953 state contracts.

3954 (c) Upon written request by the affected state contractor, bidder or  
3955 proposer, the State Contracting Standards Board may reduce the  
3956 period or extent of disqualification for a contractor, bidder or proposer  
3957 if documentation supporting any of the following reasons for  
3958 modification is provided to the board by the contractor, bidder or  
3959 proposer:

3960 (1) Newly discovered material evidence;

3961 (2) Reversal of the conviction upon which the disqualification was  
3962 based;

3963 (3) Bona fide change in ownership or management; or

3964 (4) Elimination of other causes for which the disqualification was  
3965 imposed.

3966 (d) Disqualification of a contractor, bidder or proposer is a serious  
3967 action that shall be used only in the public interest and for the state  
3968 government's protection and not for purposes of punishment or in lieu  
3969 of other applicable enforcement or compliance procedures. The causes  
3970 for and consequences of disqualification under this section shall be  
3971 separate from and in addition to causes for and consequences of  
3972 disqualification under other sections of the general statutes . The  
3973 Commissioners of Administrative Services, Public Works and  
3974 Transportation, the Chief Executive of each constituent unit of the  
3975 State System of Higher Education and other heads of state contracting  
3976 agencies shall conduct reviews of contractors and shall file reports  
3977 pertaining to any of the reasons set forth in this section of this act that  
3978 may be the basis for disqualification. Each of the foregoing may file  
3979 complaints with the State Contracting Standards Board.

3980 (e) The State Contracting Standards Board may grant an exception  
3981 permitting a disqualified contractor to participate in a particular



3982 contract or subcontract upon a written determination by the head of  
3983 the contract awarding agency that there is good cause, in the interest of  
3984 the public, for such action.

3985       Sec. 115. (NEW) (*Effective July 1, 2008*) (a) After reasonable notice  
3986 and a hearing, conducted in accordance with the provisions of chapter  
3987 54 of the general statutes, the department head of any state contracting  
3988 agency may suspend any contractor, bidder or proposer for a period of  
3989 not more than six months from bidding on, applying for or performing  
3990 work as a contractor or subcontractor under, contracts with the state.  
3991 The department head shall issue a written decision not later than  
3992 ninety days after the conclusion of such hearing and state in the  
3993 decision the reasons for the action taken and, if the contractor, bidder  
3994 or proposer is being suspended, the period of such suspension. The  
3995 existence of a cause for suspension, as described in subsection (b) of  
3996 this section, may not be the sole factor to be considered by the Board  
3997 subcommittee in determining whether the contractor, bidder or  
3998 proposer shall be suspended. In determining whether to suspend a  
3999 contractor, bidder or proposer, the department head shall consider the  
4000 seriousness of the acts or omissions of the contractor, bidder or  
4001 proposer and any mitigating factors. The department head shall send  
4002 such decision to the contractor and the State Contracting Standards  
4003 Board by certified mail, return receipt requested. Such decision shall be  
4004 a final decision for purposes of sections 4-180 and 4-183 of the general  
4005 statutes.

4006       (b) Causes for such suspension shall include the following:

4007       (1) Failure without good cause to perform in accordance with  
4008 specifications or within the time limits provided in the contract;

4009       (2) A record of failure to perform or of unsatisfactory performance  
4010 in accordance with the terms of one or more contracts, provided failure  
4011 to perform or unsatisfactory performance caused by acts beyond the  
4012 control of the contractor shall not be considered to be a basis for  
4013 suspension;

4014 (3) Any cause the complainant state contracting agency determines  
4015 to be so serious and compelling as to affect the responsibility of a state  
4016 contractor, including suspension by another state contracting agency  
4017 for cause; or

4018 (4) A violation of the ethical standards set forth in sections 1-84 and  
4019 1-86e of the general statutes and section 84 of this act.

4020 (c) The State Contracting Standards Board may grant an exception  
4021 permitting a suspended contractor to participate in a particular  
4022 contract or subcontract upon a written determination by Board that  
4023 there is good cause for such exception and that such exception is in the  
4024 best interest of the state.

4025 (d) The departments of each state contracting agency shall conduct  
4026 reviews of contractors and shall file reports pertaining to any of the  
4027 reasons set forth in this section of this act that may be the basis for  
4028 disqualification.

4029 Sec. 116. (NEW) (*Effective July 1, 2008*) (a) Any bidder or proposer on  
4030 a state contract may contest the solicitation or award of a contract to a  
4031 subcommittee of the State Contracting Standards Board, appointed by  
4032 the chairperson. Such contest shall be submitted, in writing, not later  
4033 than fourteen days after such bidder or proposer knew or should have  
4034 known of the facts giving rise to such contest and shall be limited to  
4035 the procedural elements of the solicitation or award process, or claims  
4036 of an unauthorized or unwarranted, noncompetitive selection process.

4037 (b) The assigned subcommittee of the State Contracting Standards  
4038 Board, shall have the authority to settle and resolve any such contest.

4039 (c) In the event such contest is not resolved by mutual agreement,  
4040 the assigned subcommittee of the State Contracting Standards Board,  
4041 shall issue a decision, in writing, not later than thirty days after receipt  
4042 of any such contest. Such decision shall:

4043 (1) Describe the procedure used by such agency in soliciting and

4044     awarding such contract;

4045         (2) Indicate such agency's finding as to the merits of such bidder or  
4046     proposers contest; and

4047         (3) Inform such bidder or proposer of the right to review, as  
4048     provided in section 117 of this act.

4049         (d) A copy of such decision shall be provided to such bidder or  
4050     proposer.

4051         Sec. 117. (NEW) (*Effective July 1, 2008*) (a) Any contractor, bidder or  
4052     proposer may appeal a decision issued by the Board subcommittee or  
4053     department head, pursuant to sections 114, 115 and 116 of this act to  
4054     the State Contracting Standards Board.

4055         (b) Any such request for review shall be filed with the board not  
4056     later than fourteen days after such contractor, bidder or proposers  
4057     receipt of a decision issued pursuant to sections 114, 115 and 116 of  
4058     this act. Such bidder or proposer shall set forth the facts supporting its  
4059     claim in sufficient detail for the State Contracting Standards Board to  
4060     determine whether the procedural elements of the solicitation or  
4061     award failed to comply with the code or whether an unauthorized or  
4062     unwarranted, noncompetitive selection process was utilized.

4063         (c) Any appeal filed pursuant to subsection (b) of this section shall  
4064     not be deemed to prohibit the award or execution of any such  
4065     contested contract.

4066         (d) The State Contracting Standards Board shall create a three-  
4067     member appeals review subcommittee, not including any members of  
4068     the subcommittee set forth in section 116 of this act, which shall review  
4069     any request filed pursuant to subsection (b) of this section and decide  
4070     whether such solicitation or award was in compliance with the code,  
4071     and whether allegations of an unauthorized or unwarranted,  
4072     noncompetitive selection process have been demonstrated. A  
4073     unanimous vote of such subcommittee shall be dispositive of any such

4074 appeal. A split vote of such subcommittee shall result in a review of  
4075 the appeal by the full membership of the board which, by a vote of  
4076 two-thirds of its members present and voting for such purpose, shall  
4077 decide whether the solicitation or award of such contract was in  
4078 compliance with the code and whether allegations of an unauthorized  
4079 or unwarranted, noncompetitive selection process have been  
4080 demonstrated.

4081 (e) Such appeals review subcommittee shall issue a written decision  
4082 or take other appropriate action on each appeal not later than ninety  
4083 days after the filing of such appeal. A written copy of any such  
4084 decision shall be provided to such bidder.

4085 (f) In the event of an appeal review by the full board, the board shall  
4086 issue a written decision or take other appropriate action on such  
4087 appeal not later than ninety days after receipt of the appeal from the  
4088 appeals review subcommittee. A written copy of any such decision  
4089 shall be provided to such bidder or proposer.

4090 (g) In the event that the appeals review subcommittee or the board  
4091 determines that a procedural violation occurred, or that allegations of  
4092 an unauthorized or unwarranted, noncompetitive selection process  
4093 have been substantiated, the board shall direct the state contracting  
4094 agency to take corrective action not later than thirty days after the date  
4095 of the subcommittee's or board's decision, as applicable.

4096 (h) In the event such appeal is found to be frivolous by the appeals  
4097 review subcommittee or the full board, such frivolous appeal may  
4098 serve as a basis for disqualification pursuant to section 114 of this act.

4099 (i) Any three members of the board may request a full board review  
4100 of any contract deliberation or award process of a state contracting  
4101 agency.

4102 (j) A decision issued by the board or appeals review subcommittee  
4103 under this section shall be final and not subject to appeal under

4104 sections 4-180 and 4-183 of the general statutes.

4105 Sec. 118. Reserved.

4106 Sec. 119. Reserved.

4107 Sec. 120. (NEW) (*Effective July 1, 2008*) Acting by one or more of its  
4108 members, the State Contracting Standards Board shall issue a decision  
4109 in writing or take other appropriate action on each appeal submitted.  
4110 A copy of any decision shall be provided to all parties, the department  
4111 head of the state contracting agency and the Chief Procurement  
4112 Officer.

4113 Sec. 121. (NEW) (*Effective July 1, 2008*) The provisions of sections 121  
4114 to 123, inclusive, apply where it is determined administratively, or  
4115 upon administrative or judicial review, that a solicitation or award of a  
4116 contract is in violation of law.

4117 Sec. 122. (NEW) (*Effective July 1, 2008*) If prior to award it is  
4118 determined that a solicitation or proposed award of a contract is in  
4119 violation of law, then the solicitation or proposed award shall be:

4120 (a) Cancelled; or

4121 (b) Revised to comply with the law.

4122 Sec. 123. (NEW) (*Effective July 1, 2008*) (a) If after an award it is  
4123 determined that a solicitation or award of a contract is in violation of  
4124 law, then:

4125 (1) If the person awarded the contract has not acted fraudulently or  
4126 in bad faith:

4127 (A) The contract may be ratified and affirmed, provided it is  
4128 determined that doing so is in the best interests of the State; or

4129 (B) The contract may be terminated and the person awarded the  
4130 contract shall be compensated for the actual expenses reasonably

4131 incurred under the contract, plus a reasonable profit, prior to the  
4132 termination.

4133 (2) If the person awarded the contract has acted fraudulently or in  
4134 bad faith:

4135 (A) The contract may be declared null and void; or

4136 (B) The contract may be ratified and affirmed if such action is in the  
4137 best interests of the State, as determined by the State Contracting  
4138 Standards Board, in writing, without prejudice to the State's rights to  
4139 such damages as may be appropriate.

4140 Sec. 124. (NEW) (*Effective July 1, 2008*) Interest on amounts  
4141 ultimately determined to be due to a contractor or the State shall be  
4142 payable at the statutory rate applicable to judgments from the date the  
4143 claim arose through the date of decision or judgment, whichever is  
4144 later.

4145 Sec. 125. (NEW) (*Effective July 1, 2008*) (a) The following project  
4146 delivery methods are authorized for procurements relating to  
4147 infrastructure facilities and services in this State:

4148 (1) Design-bid-build, including construction management at-risk;

4149 (2) Operations and maintenance;

4150 (3) Design-build; and

4151 (4) Related methods, as may be set forth in the regulations of the  
4152 award authority or state contracting agency.

4153 (b) Participation in a report or study that is subsequently used in the  
4154 preparation of design requirements for a project shall not disqualify a  
4155 firm from participating as a member of a proposing team in a design-  
4156 build or related procurement unless such participation would provide  
4157 the firm with a substantial competitive advantage, as determined by  
4158 the state contracting agency in writing stating the reasons therefore.

4159       Sec. 126. (NEW) (*Effective July 1, 2008*) (a) This Section specifies the  
4160       source selection methods applicable to procurements for the project  
4161       delivery methods identified in section 56 of this act, except as provided  
4162       in sections 59 through 60 and 64 of this act.

4163       (b) Design-bid-build:

4164       (1) The qualifications based selection process set forth in section 129  
4165       of this act shall be used to procure architectural and engineering  
4166       services in design-bid-build procurements.

4167       (2) Competitive sealed bidding, as set forth in section 57 of this act,  
4168       shall be used to procure construction in design-bid-build  
4169       procurements, except where regulations authorize the use of  
4170       competitive sealed proposals, as set forth in section 58 of this act, for  
4171       contracts for construction management at-risk.

4172       (3) Contracts for operations and maintenance shall be procured as  
4173       set forth in section 56 of this act.

4174       (4) Contracts for design-build and related methods as set forth in  
4175       regulation shall be procured by competitive sealed proposals, as set  
4176       forth in section 58 of this act, except that the regulations may describe  
4177       the circumstances under which particular design-build procurements  
4178       will not require the submission of proposal development documents as  
4179       required in section 128(b)(2) of this act.

4180       Sec. 127. (NEW) (*Effective July 1, 2008*) The Departments of  
4181       Administrative Services, Public Works and Transportation, and the  
4182       constituent units of the state system of higher education shall  
4183       promulgate regulations, approved by the State Contracting Standards  
4184       Board, describing the project delivery methods listed in section 125 of  
4185       this act. These regulations shall:

4186       (1) set forth criteria to be used in determining which project delivery  
4187       method is to be used for a particular project;

4188 (2) grant to the head of the State contracting agency or designee,  
4189 responsible for carrying out the project, the discretion to select an  
4190 appropriate project delivery method for a particular project;

4191 (3) describe the bond, insurance, and other security provisions  
4192 contained in this act that apply to each project;

4193 (4) describe the appropriate contract clauses and fiscal responsibility  
4194 requirements contained in this act that apply to each project; and

4195 (5) require the procurement officer to execute and include in the  
4196 contract file a written statement setting forth the facts which led to the  
4197 selection of a particular project delivery method for each project.

4198 Sec. 128. (NEW) (*Effective July 1, 2008*) (a) In addition to the  
4199 requirements of section 58 of this act, the procedures in this section  
4200 shall apply to procurements for design-build or related method  
4201 authorized by regulation.

4202 (b) Each Request for Proposals for design-build or related methods  
4203 authorized by regulation:

4204 (1) Shall include design requirements;

4205 (2) Shall solicit proposal development documents; and

4206 (3) May, when the State contracting agency determines that the cost  
4207 of preparing proposals is high in view of the size, estimated price, and  
4208 complexity of the procurement:

4209 (A) Prequalify proposers by issuing a Request for Qualifications in  
4210 advance of the Request for Proposals; and

4211 (B) Select a short list of responsible proposers prior to discussions  
4212 and evaluations under section 58 of this act, provided that the number  
4213 of proposals that will be short-listed is stated in the Request for  
4214 Proposals and prompt public notice is given to all proposers as to  
4215 which proposals have been short-listed; or



4216 (C) Pay stipends to unsuccessful proposers, provided that the  
4217 amount of such stipends and the terms under which stipends will be  
4218 paid are stated in the Request for Proposals.

4219 (c) Each Request for Proposals for design-build or related methods  
4220 authorized by regulation:

4221 (1) Shall state the relative importance of (i) demonstrated  
4222 compliance with the design requirements; (ii) proposer qualifications;  
4223 (iii) financial capacity; (iv) project schedule; (v) price (or life-cycle price  
4224 for design-build related methods procurements as may be authorized  
4225 by regulation); and (vi) other factors, if any; and

4226 (2) Shall require each proposer, when the contract price is estimated  
4227 to exceed ten million dollars or in circumstances established by  
4228 regulation, to identify an Independent Peer Reviewer whose  
4229 competence and qualifications to provide such services shall be an  
4230 additional evaluation factor in the award of the contract.

4231 Sec. 129. (NEW) (*Effective July 1, 2008*) (a) It is the policy of this State  
4232 to publicly announce all requirements for Architectural and  
4233 Engineering Services and to negotiate contracts for Architectural and  
4234 Engineering Services on the basis of demonstrated competence and  
4235 qualification for the type of services required, and at fair and  
4236 reasonable prices.

4237 (b) In the procurement of Architectural and Engineering Services,  
4238 the Commissioner of Administrative Services shall encourage firms  
4239 engaged in the lawful practice of their profession to submit annually a  
4240 statement of qualifications and performance data. The Commissioner  
4241 of Administrative Services or designee, the Agency Procurement  
4242 Officer or designee and the project manager for the project in question  
4243 shall comprise an Architect-Engineer Selection Committee for each  
4244 Architectural and Engineering Services contract over \$50,000. The  
4245 Selection Committee for Architectural and Engineering Services  
4246 contracts under this amount shall be established in accordance with

4247 regulations promulgated by the State Contracting Standards Board.  
4248 The Selection Committee shall evaluate current statements of  
4249 qualifications and performance data on file with the State, together  
4250 with those that may be submitted by other firms regarding the  
4251 proposed contract. The Selection Committee shall conduct discussions  
4252 with no less than three firms regarding the contract and the relative  
4253 utility of alternative methods of approach for furnishing the required  
4254 services, and then shall select therefrom, in order of preference, based  
4255 upon criteria established and published by the Selection Committee,  
4256 no less than three of the firms deemed to be the most highly qualified  
4257 to provide the services required.

4258 (c) The department head of the state contracting agency or designee  
4259 shall negotiate a contract with the highest qualified firm for  
4260 Architectural and Engineering Services at compensation which the  
4261 agency head determines, in writing, to be fair and reasonable to the  
4262 State. In making this decision, the agency head shall take into account  
4263 the estimated value, the scope, the complexity, and the professional  
4264 nature of the services to be rendered. Should the agency head be  
4265 unable to negotiate a satisfactory contract with the firm considered to  
4266 be the most qualified, at a price the agency head determines to be fair  
4267 and reasonable to the State, negotiations with that firm shall be  
4268 formally terminated. The agency head shall then undertake  
4269 negotiations with the second most qualified firm. Failing accord with  
4270 the second most qualified firm, the agency head shall formally  
4271 terminate negotiations. The agency head shall then undertake  
4272 negotiations with the third most qualified firm. Should the agency  
4273 head be unable to negotiate a contract at a fair and reasonable price  
4274 with any of the selected firms, the agency head shall select additional  
4275 firms in order of their competence and qualifications, and the agency  
4276 shall continue negotiations in accordance with this Section until an  
4277 agreement is reached.

4278 Sec. 130. (NEW) (*Effective July 1, 2008*) In acting as the determining  
4279 authority in fulfilling the needs of the various departments and

4280 agencies of state government, except the Legislative Department, and  
4281 choosing the method of acquisition which shall be pursued in the open  
4282 competitive market, the commissioner of public works shall:

4283 (a) (1) Compile and maintain comprehensive and complete  
4284 inventories of all the improved and unimproved real estate available to  
4285 the state by virtue of ownership or lease. The actual mechanical  
4286 compilation of such inventories may be handled, at the request of the  
4287 commissioner, by the Secretary of the Office of Policy and  
4288 Management; provided such compilation shall be available to the  
4289 Commissioner of Public Works at all times. Such inventory shall be  
4290 used by the commissioner as the primary source for meeting state  
4291 needs, and shall be shared with the review board and with the  
4292 Secretary of the Office of Policy and Management;

4293 (2) Prepare an annual inventory of improved and unimproved real  
4294 estate which is owned by the state and which is unused or  
4295 underutilized and study and make recommendations concerning the  
4296 reuse or disposition of such real estate;

4297 (3) Identify in the inventories required under subdivisions (1) and  
4298 (2) of this subsection, existing buildings that (A) are of historic,  
4299 architectural or cultural significance, including buildings listed or  
4300 eligible to be listed in the national register established under the  
4301 National Historic Preservation Act of 1966, 80 Stat. 915 (1966), 16 USC  
4302 470a, and (B) would be suitable, whether or not in need of repair,  
4303 alteration or addition, to meet the public building needs of the state or  
4304 to meet the needs of the public in accordance with the provisions of  
4305 subsection (m) of section 4b-23.

4306 (b) Whenever realty uses designed uniquely for state use and for  
4307 periods over five years are concerned, the commissioner shall,  
4308 whenever practicable, attempt to purchase, lease-purchase or construct  
4309 on state-owned land. In such cases leases shall be used only when  
4310 other possibilities have been eliminated as not feasible, in the opinion  
4311 of the commissioner.

4312 (c) Whenever the commissioner has established specific plans and  
4313 specifications for new construction on state land or new construction  
4314 for sale to the state:

4315 (1) If it appears to the commissioner that the cost of the project shall  
4316 be less than five hundred thousand dollars, contracts shall be made,  
4317 where practicable, through a process of sealed bidding as provided in  
4318 section 74 of this act relating to projects in excess of five hundred  
4319 thousand dollars;

4320 (2) If it appears to the commissioner that the space needs of the  
4321 requesting agency are less than five thousand square feet, the  
4322 commissioner shall, whenever practicable, carry on advertising, in  
4323 accordance with the provisions of section 4b-34 relating to projects in  
4324 excess of five thousand square feet, in order to allow an equal  
4325 opportunity for third parties to do business with the state without  
4326 regard to political affiliation, political contributions or relationships  
4327 with persons in state, federal or local governmental positions.

4328 (d) The commissioner may designate projects to be accomplished on  
4329 a total cost basis for:

4330 (1) New facilities to provide for the substantial space needs of a  
4331 requesting agency,

4332 (2) The installation of mechanical or electrical equipment systems in  
4333 existing state facilities, or

4334 (3) The demolition of any state facility that the commissioner is  
4335 authorized to demolish under the general statutes. If the commissioner  
4336 designates a project as a designated total cost basis project, the  
4337 commissioner may enter into a single contract with a private developer  
4338 which may include such project elements as site acquisition,  
4339 architectural design and construction. The commissioner shall select a  
4340 private developer from among the developers who are selected and  
4341 recommended by the award panels established in this subdivision. All

4342 contracts for such designated projects shall be based on competitive  
4343 proposals received by the commissioner, who shall give notice of such  
4344 project, and specifications for the project, by advertising, at least once,  
4345 in a newspaper having a substantial circulation in the area in which  
4346 such project is to be located. No contract which includes the  
4347 construction, reconstruction, alteration, remodeling, repair or  
4348 demolition of any public building for work by the state for which the  
4349 total cost is estimated to be more than five hundred thousand dollars  
4350 may be awarded to a person who is not prequalified for the work in  
4351 accordance with section 84 of this act. The commissioner shall  
4352 determine all other requirements and conditions for such proposals  
4353 and awards and shall have sole responsibility for all other aspects of  
4354 such contracts. Such contracts shall state clearly the responsibilities of  
4355 the developer to deliver a completed and acceptable product on a date  
4356 certain, the maximum cost of the project and, as a separate item, the  
4357 cost of site acquisition, if applicable. No such contract may be entered  
4358 into by the commissioner without the prior approval of the State  
4359 Properties Review Board and unless funding has been authorized  
4360 pursuant to the general statutes or a public or special act.

4361 (e) Whenever a bid is made to the commissioner for any purpose  
4362 regarding the use of land or whenever any person proposes to sell or  
4363 lease land to the state, the bidder or such person shall be the owner of  
4364 the land, or the commissioner shall have the option to void any  
4365 contract subsequently made with said bidder or third person.

4366 (f) In all dealings with the commissioner the owner of record or  
4367 beneficial owner shall be disclosed to the commissioner and the bid  
4368 shall be revealed to the owner of record or beneficial owner or the  
4369 commissioner shall have the option to void any contract subsequently  
4370 made concerning any such dealing.

4371 (g) After the authorization of a project under the provisions of this  
4372 section, the public auditors of the state and the auditors or accountants  
4373 of the Commissioner of Public Works shall have the right to audit the

4374 books of any contractor employed by the commissioner pursuant to  
4375 such authorization, or of any party negotiating with the commissioner  
4376 for the acquisition of land by lease or otherwise; provided, however,  
4377 that any such audit shall be limited to the project authorized by the  
4378 commissioner and the Properties Review Board, and provided further  
4379 that in the case of a party negotiating with the commissioner, such  
4380 audit may also be conducted after the negotiations have ended, if a  
4381 contract is consummated with the commissioner.

4382       Sec. 131. (NEW) (*Effective July 1, 2008*) As used in section 4b-1 of the  
4383 general statutes and sections 132 to 135 of this act, inclusive, unless the  
4384 context clearly requires otherwise:

4385       (a) "Commissioner" means the Commissioner of Public Works;

4386       (b) "Consultant" means (1) any architect, professional engineer,  
4387 landscape architect, land surveyor, accountant, interior designer,  
4388 environmental professional or construction administrator, who is  
4389 registered or licensed to practice such person's profession in  
4390 accordance with the applicable provisions of the general statutes, or (2)  
4391 any planner or financial specialist;

4392       (c) "Consultant services" shall include those professional services  
4393 rendered by architects, professional engineers, landscape architects,  
4394 land surveyors, accountants, interior designers, environmental  
4395 professionals, construction administrators, planners or financial  
4396 specialists, as well as incidental services that members of these  
4397 professions and those in their employ are authorized to perform;

4398       (d) "The University of Connecticut library project" means a project  
4399 to renovate and improve the Homer Babbidge Library at The  
4400 University of Connecticut;

4401       (e) "Firm" means any individual, partnership, corporation, joint  
4402 venture, association or other legal entity (1) authorized by law to  
4403 practice the profession of architecture, landscape architecture,

4404 engineering, land surveying, accounting, interior design,  
4405 environmental or construction administration, or (2) practicing the  
4406 profession of planning or financial specialization;

4407 (f) "Priority higher education facility project" means any project  
4408 which is part of a state program to repair, renovate, enlarge, equip,  
4409 purchase or construct (1) instructional facilities, (2) academic core  
4410 facilities, including library, research and laboratory facilities, (3)  
4411 student residential or related student dining facilities, or (4) utility  
4412 systems related to such projects, which are or will be operated under  
4413 the jurisdiction of the board of trustees of any constituent unit of the  
4414 state system of higher education, except The University of Connecticut  
4415 provided the project is included in the comprehensive facilities master  
4416 plan of the constituent unit pursuant to section 10a-4a or in the most  
4417 recent state facility plan of the Office of Policy and Management  
4418 pursuant to section 4b-23 of the general statutes;

4419 (g) "Project" means any state program requiring consultant services  
4420 if (1) the cost of such services is estimated to exceed fifty thousand  
4421 dollars or, in the case of a constituent unit of the state system of higher  
4422 education, the cost of such services is estimated to exceed three  
4423 hundred thousand dollars, and (2) the construction costs in connection  
4424 with such program are estimated to exceed five hundred thousand  
4425 dollars; or, in the case of a constituent unit of the state system of higher  
4426 education, other than The University of Connecticut, the construction  
4427 costs in connection with such program are estimated to exceed two  
4428 million dollars;

4429 (h) "Selection panel" or "panel" means the State Construction  
4430 Services Selection Panel established pursuant to subsection (a) of  
4431 section 132 of this act or, in the case of a Connecticut Health and  
4432 Education Facilities Authority project pursuant to section 10a-186a,  
4433 means the Connecticut Health and Education Facilities Authority  
4434 Construction Services Panel established pursuant to subsection (c) of  
4435 section 132 of this act;

4436 (i) "User agency" means the state department or agency requesting  
4437 the project or the agency for which such project is being undertaken  
4438 pursuant to law;

4439 (j) "Community court project" means (1) any project to renovate and  
4440 improve a facility designated for the community court pilot program  
4441 established pursuant to section 51-181c, and (2) the renovation and  
4442 improvement of other state facilities required for the relocation of any  
4443 state agency resulting from the placement of the community court;

4444 (k) "Connecticut Juvenile Training School project" means a project  
4445 (1) to develop on a designated site new facilities for a Connecticut  
4446 Juvenile Training School in Middletown including, but not limited to,  
4447 preparing a feasibility study for, designing, constructing,  
4448 reconstructing, improving or equipping said facility for use by the  
4449 Department of Children and Families, which is an emergency project  
4450 because there is an immediate need for completion of said project to  
4451 remedy overcrowding at Long Lane School; said school shall have an  
4452 annual average daily population of not more than two hundred forty  
4453 residents; or (2) to develop a separate facility for girls including, but  
4454 not limited to, acquiring of land or buildings, designing, constructing,  
4455 reconstructing, improving or equipping said facility for use by the  
4456 Department of Children and Families;

4457 (l) "Downtown Hartford higher education center project" means a  
4458 project to develop a higher education center, as defined in  
4459 subparagraph (B) of subdivision (2) of section 32-600, and as described  
4460 in subsection (a) of section 32-612, for the regional community-  
4461 technical college system;

4462 (m) "Correctional facility project" means any project (1) which is  
4463 part of a state program to repair, renovate, enlarge or construct  
4464 facilities which are or will be operated by the Department of  
4465 Correction, and (2) for which there is an immediate need for  
4466 completion in order to remedy prison and jail overcrowding; and



4467 (n) "Juvenile detention center project" means any project (1) which is  
4468 part of a state program to repair, renovate, enlarge or construct  
4469 juvenile detention centers which are or will be operated by the Judicial  
4470 Department, and (2) for which there is an immediate need for  
4471 completion in order to remedy overcrowding.

4472 Sec. 132. (NEW) (*Effective July 1, 2008*) (a) There shall be established  
4473 within the Department of Public Works a State Construction Services  
4474 Selection Panel which shall consist of five members. Four of such  
4475 members shall be appointed by the commissioner, shall be current or  
4476 retired employees of the Department of Public Works and shall serve  
4477 for terms of one year from July first. The remaining member shall be  
4478 appointed by the head or acting head of the user agency and shall  
4479 serve only for deliberations involving the project for which he was  
4480 appointed. If any vacancy occurs on the panel, the commissioner shall  
4481 appoint a person for the unexpired term in accordance with the  
4482 provisions of this subsection.

4483 (b) The selection panel shall not be deemed to be a board or  
4484 commission within the meaning of section 4-9a.

4485 (c) There shall be established within the Department of Public  
4486 Works a Connecticut Health and Education Facilities Authority  
4487 Construction Services Panel which shall consist of five members: Three  
4488 of whom shall be appointed by the Commissioner of Public Works and  
4489 shall be current employees of the Department of Public Works; and the  
4490 remaining members shall be appointed by the head or acting head of  
4491 the user agency and shall serve only for deliberations involving the  
4492 project for which such member was appointed. The members of the  
4493 selection panel appointed by the Commissioner of Public Works shall  
4494 serve for terms of one year from July first. If any vacancy occurs on the  
4495 panel, the Commissioner of Public Works or the head or acting head of  
4496 the user agency, as appropriate, shall appoint a person for the  
4497 unexpired term in accordance with the provisions of this subsection.

4498 (d) The panel established pursuant to subsection (c) of this section

4499 shall not be deemed to be a board or commission within the meaning  
4500 of section 4-9a. Such panel shall be the selection panel only for  
4501 Connecticut Health and Education Facilities Authority projects  
4502 pursuant to section 10a-89b.

4503       Sec. 133. (NEW) (*Effective July 1, 2008*) (a) Whenever consultant  
4504 services are required by the commissioner in fulfilling his  
4505 responsibilities under section 4b-1 or as otherwise set forth in this act,  
4506 and in the case of each project, the commissioner shall invite responses  
4507 from such firms by advertisements inserted at least once in one or  
4508 more newspapers having a circulation in each county in the state. The  
4509 commissioner shall prescribe, by regulations adopted in accordance  
4510 with chapter 54, the advance notice required for, the manner of  
4511 submission, and conditions and requirements of, such responses.

4512       (b) In the case of a project, the responses received shall be  
4513 considered by the selection panel. The panel shall select from among  
4514 those responding no fewer than three firms, which it determines in  
4515 accordance with criteria established by the commissioner are most  
4516 qualified to perform the required consultant services. In the case of any  
4517 project that requires consultant services by an architect or professional  
4518 engineer, additional criteria to be considered by such panel in selecting  
4519 a list of the most qualified firms shall include: (1) Such firm's  
4520 knowledge of this state's building and fire codes, and (2) the  
4521 geographic location of such firm in relation to the geographic location  
4522 of the proposed project. The selection panel shall submit a list of the  
4523 most qualified firms to the commissioner for his consideration unless  
4524 fewer than three responses for a particular project have been received,  
4525 in which case, the panel shall submit the names of all firms who have  
4526 submitted responses.

4527       Sec. 134. (NEW) (*Effective July 1, 2008*) Contracting for Consultant  
4528 Services.

4529       (a) (1) Except in the case of a project, a priority higher education  
4530 facility project, a project, as defined in subdivision (16) of section 10a-

4531 109c, undertaken by The University of Connecticut, a community court  
4532 project, a correctional facility project, a juvenile detention center  
4533 project, and the downtown Hartford higher education center project,  
4534 the commissioner shall negotiate a contract for consultant services with  
4535 the firm most qualified, in the commissioner's judgment, at  
4536 compensation which the commissioner determines is both fair and  
4537 reasonable to the state.

4538 (2) In the case of a project, the commissioner shall negotiate a  
4539 contract for such services with the most qualified firm from among the  
4540 list of firms submitted by the panel at compensation which the  
4541 commissioner determines in writing to be fair and reasonable to the  
4542 state. If the commissioner is unable to conclude a contract with any of  
4543 the firms recommended by the panel, the commissioner shall, after  
4544 issuing written findings of fact documenting the reasons for such  
4545 inability, negotiate with those firms which the commissioner  
4546 determines to be most qualified, at fair and reasonable compensation,  
4547 to render the particular consultant services under consideration.

4548 (3) Whenever consultant services are required for a priority higher  
4549 education facility project, a community court project, a correctional  
4550 facility project, a juvenile detention center project, or the downtown  
4551 Hartford higher education center project, the commissioner shall select  
4552 and interview at least three consultants or firms and shall negotiate a  
4553 contract for consultant services with the firm most qualified, in the  
4554 commissioner's judgment, at compensation which the commissioner  
4555 determines is both fair and reasonable to the state, except that if, in the  
4556 opinion of the commissioner, the Connecticut Juvenile Training School  
4557 project needs to be expedited in order to meet the needs of the  
4558 Department of Children and Families, the commissioner may waive  
4559 such selection requirement. Except for the downtown Hartford higher  
4560 education center project, the commissioner shall notify the State  
4561 Properties Review Board of the commissioner's action not later than  
4562 five business days after such action for its approval or disapproval in  
4563 accordance with subsection (i) of section 4b-23, except that if, not later

4564 than fifteen days after such notice, a decision has not been made, the  
4565 board shall be deemed to have approved such contract.

4566 (b) In determining fair and reasonable compensation to be paid in  
4567 accordance with subsection (a) of this section, the commissioner shall  
4568 consider, in the following order of importance, the professional  
4569 competence of the consultant, the technical merits of the proposal, the  
4570 ability of the firm to perform the required services within the time and  
4571 budgetary limits of the contract and the price for which the services are  
4572 to be rendered.

4573 Sec. 135. (NEW) (*Effective July 1, 2008*) The commissioner shall adopt  
4574 regulations, subject to the approval of the State Contracting Standards  
4575 Board, in accordance with chapter 54 to carry out the purposes of  
4576 sections 132 to 135 of this act, inclusive.

4577 Sec. 136. (NEW) (*Effective July 1, 2008*) Notwithstanding any  
4578 provisions of this chapter to the contrary, the Commissioner of Public  
4579 Works may select and interview at least three responsible and  
4580 qualified environmental professionals, and may negotiate with any  
4581 one of such professionals a contract which is both fair and reasonable  
4582 to the state in order to conduct the evaluations required by section 22a-  
4583 1b for a priority higher education facility project, as defined in  
4584 subsection (f) of section 131 of this act.

4585 Sec. 137. (NEW) (*Effective July 1, 2008*) (a) With respect to any  
4586 construction contract that is to be publicly let other than those projects  
4587 administered under section 4b-52, the Department of Public Works, on  
4588 behalf of the Connecticut State University system, may identify a list of  
4589 potentially responsible qualified bidders for the particular contract.  
4590 The Commissioner of Public Works shall give notice to those on the list  
4591 of the work required and of the invitation to prequalify. The invitation  
4592 to prequalify shall contain such information as the commissioner  
4593 deems appropriate and a notice of the due date and address to send  
4594 responses. Upon receipt of such responses, the Department of Public  
4595 Works shall select each bidder that demonstrated the ability to post

4596 surety bonds required by such contract and the financial, managerial  
4597 and technical ability and integrity necessary, without conflict of  
4598 interest, for faithful and efficient performance of the work provided for  
4599 in the contract. The commissioner shall evaluate whether a bidder is  
4600 responsible and qualified. "Responsible and qualified bidder" shall  
4601 mean the bidder who possesses the skill, ability and integrity  
4602 necessary to faithful performance of the work based on objective  
4603 criteria considering past performance and financial responsibility. In  
4604 considering past performance the commissioner shall evaluate the  
4605 skill, ability and integrity of bidders in terms of the bidders' fulfillment  
4606 of contract obligations and the bidders' experience or lack of  
4607 experience with projects of the size of the project for which bids are  
4608 submitted.

4609 (b) The Commissioner of Public Works shall give notice to bidders  
4610 prequalified pursuant to subsection (a) of this section of the time and  
4611 place where the public letting shall occur and shall include in the  
4612 notice such information concerning the required work as appropriate.  
4613 Each bid shall be kept sealed until opened publicly at the time and  
4614 place as set forth in the notice soliciting such bid. The commissioner  
4615 shall not award any construction contract after public letting, except to  
4616 the responsible qualified bidder, submitting the lowest bid in  
4617 compliance with the bid requirements. The commissioner may waive  
4618 any minor irregularity in a bid, and may either reject all bids and again  
4619 advertise for bids, or, if he deems it advisable, negotiate with other  
4620 contractors who submitted bids in ascending order of bid prices  
4621 without change in the contract, specifications, plans and other  
4622 requirements.

4623 (c) The invitation to bid on the construction contract awarded by the  
4624 Commissioner of Public Works pursuant to this section shall contain  
4625 such other terms and conditions and such provisions for penalties, as  
4626 the commissioner deems appropriate.

4627 (d) The Commissioner of Public Works shall require, for the

4628 protection of the state and the Connecticut State University system,  
4629 such deposits, bonds and security in connection with the submission of  
4630 bids, the awarding of construction contracts and the performance of  
4631 work as the commissioner determines appropriate and in the public  
4632 interest of the state.

4633       Sec. 138. (NEW) (*Effective July 1, 2008*) (a) The expert members of the  
4634 staff of the commissioner of Public Works shall be responsible for  
4635 ensuring that sellers, lessors, and contractors strictly comply with all  
4636 agreed plans, specifications, requirements and contractual terms.

4637       (b) The Attorney General shall be responsible for determining the  
4638 legal sufficiency of all contracts and leases, both as to substance and to  
4639 form, and said Attorney General shall enforce all terms of all  
4640 agreements, including, but not limited to, the obligations of all  
4641 landlords to meet the terms of leases.

4642       (c) The commissioner shall consult with the State Contracting  
4643 Standards Board pertaining to the requirements of this act applicable  
4644 to state realty contracts and leases.

4645       (d) In any lease containing a tax escalation clause, there shall be a  
4646 provision that the state shall be relieved of all liability for increased  
4647 taxes unless the landlord shall notify the commissioner of any pending  
4648 increase in sufficient time to permit the state, on behalf of the landlord,  
4649 to contest such increase if the commissioner determines it to be  
4650 appropriate.

4651       (e) The Attorney General shall determine when to take any such  
4652 appeal and shall be responsible for perfecting and prosecuting such  
4653 appeal.

4654       Sec. 139. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of  
4655 Public Works shall assign office space and provide necessary  
4656 accommodations in state-owned facilities for state agencies, other than  
4657 institutions, the Legislative Department and the Judicial Department.

4658 Subject to the provisions of section 4b-23 the commissioner shall  
4659 execute all leases for offices or any other type of space or facility  
4660 necessary to meet the needs of all state agencies, the Judicial  
4661 Department, the Division of Criminal Justice, the Public Defender  
4662 Services Commission and institutions. Any provisions of the general  
4663 statutes to the contrary notwithstanding the Commissioner of Public  
4664 Works shall be the sole authority for negotiating such leases, provided  
4665 any such leases, intending to provide for the needs of institutions, shall  
4666 further be subject to the approval of the board of trustees of the  
4667 institution involved and provided further, the Commissioner of Public  
4668 Works shall expedite the handling of leases to meet emergency and  
4669 short term needs. For the purposes of this section, the term "Judicial  
4670 Department" does not include the courts of probate, the Division of  
4671 Criminal Justice and the Public Defender Services Commission, except  
4672 where they share facilities in state-maintained courts.

4673 (b) The Commissioner of Public Works shall have the primary  
4674 responsibility for ensuring that the lessor of the offices, space or other  
4675 facilities which are covered by each such lease complies with the  
4676 provisions of the lease. In carrying out such responsibility the  
4677 commissioner shall inspect such offices, space and other facilities at  
4678 least once annually.

4679 Sec. 140. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of  
4680 Public Works may, subject to the approval of the State Properties  
4681 Review Board, sublet land or buildings, or both, and facilities leased to  
4682 the state to (1) municipalities for municipal use, or (2) private  
4683 individuals or concerns for private use, when such sublet land or  
4684 buildings, or both, and facilities are otherwise not used or needed for  
4685 state use and such action seems desirable to produce income or is  
4686 otherwise in the public interest. The term of such sublet agreement  
4687 shall not be extended by the exercise of any option available to the  
4688 state under the terms of the state's lease.

4689 (b) The commissioner shall deposit all payments received under this

4690 section in the General Fund and each such payment shall be credited to  
4691 the appropriation made from such fund for the lease of such sublet  
4692 land or buildings, or both, and facilities.

4693 Sec. 141. (NEW) (*Effective July 1, 2008*) All renewals of state leases  
4694 existing on July 1, 1975, shall be subject to the approval of the  
4695 commissioner and the State Properties Review Board under  
4696 regulations to be adopted by said commissioner and said board.

4697 Sec. 142. (NEW) (*Effective July 1, 2008*) (a) Any person, firm,  
4698 partnership, association, corporation or other entity, seeking to enter  
4699 into a lease or lease-purchase agreement with the state through the  
4700 Commissioner of Public Works, shall file a sworn statement with said  
4701 commissioner disclosing the names of any persons having a financial  
4702 interest in the property or premises involved, including the beneficiary  
4703 of any undisclosed trust or the equitable owner of such property or  
4704 premises. Corporate applicants shall disclose the names and addresses  
4705 of officers and stockholders, except that this requirement shall not  
4706 apply to publicly held corporations.

4707 (b) If, before the approval of any such lease, lease-purchase  
4708 agreement or renewal of such lease or agreement, by the State  
4709 Properties Review Board, there is a change in the persons or the  
4710 stockholders of a corporation, having a financial interest in the  
4711 property or premises involved, the applicant shall submit an affidavit  
4712 to the Commissioner of Public Works indicating the change, not later  
4713 than five business days after the change. The commissioner shall  
4714 forward a copy of such affidavit to the State Properties Review Board  
4715 upon receipt.

4716 (c) Failure to make any disclosure required by this section to the  
4717 Commissioner of Public Works shall be punishable by a civil penalty  
4718 of not more than one thousand dollars, which may be imposed by such  
4719 commissioner after notice and opportunity to be heard at a hearing  
4720 conducted in accordance with sections 4-176e to 4-184, inclusive.



4721       Sec. 143. (NEW) (*Effective July 1, 2008*) (a) Except as provided under  
4722 subsection (e) of this section, whenever it appears from the  
4723 specifications of the requesting agency or institution that the space  
4724 needs equal or exceed two thousand five hundred square feet and the  
4725 Commissioner of Public Works has determined that such needs will be  
4726 met by lease of space, the commissioner shall give public notice of such  
4727 space needs and specifications by advertising, at least once, in a  
4728 newspaper having a substantial circulation in the area in which such  
4729 space is sought, no less than fifteen days prior to the date of final  
4730 selection. A copy of such notice shall be sent to the regional chapter of  
4731 the Connecticut Association of Realtors serving the area in which such  
4732 space is sought. The provisions of this subsection shall not be  
4733 construed to require the commissioner to lease space only from  
4734 persons responding to such advertisements.

4735       (b) The commissioner shall maintain a list of prospective lessors,  
4736 which shall be updated at least annually after suitable notice to the  
4737 public through the various media in the state.

4738       (c) The commissioner shall maintain and continuously update an  
4739 inventory of potential space to lease.

4740       (d) Whenever space sufficient to meet the needs of a requesting  
4741 agency or institution is owned by a political subdivision of the state  
4742 and is available for lease, the commissioner may lease such space  
4743 without complying with the requirements of subsection (a) of this  
4744 section, if he has determined that the rent and other terms of the  
4745 proposed lease are at least as favorable to the state as prevailing rental  
4746 rates and terms for privately owned space.

4747       (e) The provisions of subsection (a) of this section shall not apply in  
4748 the case of (1) a terminating lease which the commissioner decides to  
4749 renegotiate, if the commissioner submits his proposal to the State  
4750 Properties Review Board not later than nine months before the  
4751 expiration of such lease, (2) a lease (A) which is renegotiated or on  
4752 holdover status, for a term of not more than eighteen months, and (B)

4753 which is for an agency that is scheduled to move into a state-owned  
4754 building, or (3) the lease of new facilities following a declaration by the  
4755 commissioner that (A) an emergency exists because a state facility has  
4756 been damaged, destroyed or otherwise rendered unusable due to any  
4757 cause and (B) such emergency would adversely affect public safety or  
4758 the proper conduct of essential state governmental operations. The  
4759 State Properties Review Board shall approve or disapprove a lease  
4760 proposal under subdivision (3) of this subsection within five days after  
4761 receipt of the proposal.

4762       Sec. 144. (NEW) (*Effective July 1, 2008*) Subject to the provisions of  
4763 section 139 of this act, the Commissioner of Public Works may lease  
4764 state-owned land to private developers for construction of buildings  
4765 and facilities to meet the needs of agencies and institutions, provided  
4766 such developers shall agree to lease such buildings and facilities back  
4767 to the state with options to purchase. Such options to purchase shall  
4768 give the state the alternative of purchasing such building and facilities  
4769 for a lump sum at a stated time, or times, during or at the end of the  
4770 lease term; or to purchase the same by paying the purchase price in  
4771 specified installments over a stated period of time.

4772       Sec. 145. (NEW) (*Effective July 1, 2008*) Subject to the provisions of  
4773 section 139 of this act, the commissioner may enter into contracts for  
4774 the construction upon state-owned land of buildings or facilities or  
4775 both, and the subsequent leasing thereof to the state to meet the needs  
4776 of agencies and institutions, without first leasing the underlying state-  
4777 owned land to the developer. Such contracts shall contain provisions  
4778 providing for the state to buy the buildings and facilities for a lump  
4779 sum at stated times during or at the end of the lease term or, at the  
4780 state's option, to buy the same by paying the purchase price in  
4781 installments.

4782       Sec. 146. (NEW) (*Effective July 1, 2008*) In any lease entered into  
4783 pursuant to sections 144 to 147 of this act, inclusive, and section 4b-39  
4784 of the general statutes, which grant the state an option to buy where

4785 the option price is to be paid in installments over a stated period of  
4786 time, such installments shall be described in the lease so as to identify  
4787 clearly those portions of the installments which represent interest,  
4788 taxes or any other item the identification of which will promote the  
4789 most economical and advantageous terms to the state.

4790 Sec. 147. (NEW) (*Effective July 1, 2008*) (a) Subject to the provisions of  
4791 section 139 of this act, the commissioner may lease state-owned land or  
4792 buildings, or both, and facilities to (1) municipalities for municipal use  
4793 or (2) private individuals or concerns for private use, when such land,  
4794 buildings and facilities are otherwise not used or needed for state use  
4795 and such action seems desirable to produce income or is otherwise in  
4796 the public interest, provided the Treasurer has determined that such  
4797 action will not affect the status of any tax-exempt obligations issued or  
4798 to be issued by the state of Connecticut. Each lease to a municipality  
4799 under this subsection shall have a term of not more than twenty years.

4800 (b) The commissioner may also lease any land or interest therein for  
4801 the following purposes, provided the Treasurer has determined that  
4802 such action will not affect the status of any tax-exempt obligations  
4803 issued or to be issued by the state of Connecticut:

4804 (1) To enter into leases of space on major pedestrian access levels  
4805 and courtyards and rooftops of any public building with persons,  
4806 firms or organizations engaged in commercial, cultural, educational or  
4807 recreational activities. The commissioner shall establish a rental rate  
4808 for such leased space equivalent to the prevailing commercial rate for  
4809 comparable space devoted to a similar purpose in the vicinity of the  
4810 public building. Such leases may be negotiated without competitive  
4811 bids, but shall contain such terms and conditions and be negotiated  
4812 pursuant to such procedures as the commissioner deems necessary to  
4813 promote competition and to protect the public interest;

4814 (2) To make available, on occasion, or to lease at such rates and on  
4815 such other terms and conditions as the commissioner deems to be in  
4816 the public interest, auditoriums, meeting rooms, courtyards, rooftops

4817 and lobbies of public buildings to persons, firms or organizations  
4818 engaged in cultural, educational or passive recreational activities that  
4819 will not disrupt the operation of the building.

4820 (c) The commissioner shall deposit all payments received under  
4821 leases or rentals executed pursuant to subdivisions (1) and (2) of  
4822 subsection (b) of this section in the General Fund, and each such  
4823 payment shall be credited to the appropriation made from such fund  
4824 for the operation of such building.

4825 (d) The commissioner may furnish utilities, maintenance, repair and  
4826 other services to persons, firms or organizations leasing space  
4827 pursuant to subdivisions (1) and (2) of subsection (b) of this section.  
4828 Such services may be provided during and outside of regular working  
4829 hours of state agencies.

4830 (e) The commissioner shall, where practicable, give priority in the  
4831 assignment of space on any major pedestrian access level not leased  
4832 under the terms of subdivisions (1) and (2) of subsection (b) of this  
4833 section, in such buildings, to state activities requiring regular contact  
4834 with members of the public, including collocation requirements for  
4835 human services agencies under section 4b-31 of the general statutes. To  
4836 the extent such space is unavailable, the commissioner shall provide  
4837 space with maximum ease of access to building entrances.

4838 (f) Not less than two weeks before executing a lease of land, a  
4839 building or facility or an interest in land under subsection (a) or (b) of  
4840 this section, with a person, firm or corporation in the private sector, for  
4841 a term of six months or more, the commissioner shall notify in writing  
4842 the chief executive officer of the municipality in which the land,  
4843 building, facility or interest is located concerning the proposed lease  
4844 and the manner in which the lessee proposes to use the land, building,  
4845 facility or interest. Upon executing any such lease, the commissioner  
4846 shall forward a copy to the assessor or board of assessors of the  
4847 municipality in which the leased property is located.

4848 (g) Notwithstanding the provisions of this section, the board of  
4849 trustees of a constituent unit of the state system of higher education  
4850 may lease land or buildings, or both, and facilities under the control  
4851 and supervision of such board when such land, buildings or facilities  
4852 are otherwise not used or needed for use by the constituent unit and  
4853 such action seems desirable to produce income or is otherwise in the  
4854 public interest, provided the Treasurer has determined that such action  
4855 will not affect the status of any tax-exempt obligations issued or to be  
4856 issued by the state of Connecticut. Upon executing any such lease, said  
4857 board shall forward a copy to the assessor or board of assessors of the  
4858 municipality in which the leased property is located. The proceeds  
4859 from any lease or rental agreement pursuant to this subsection shall be  
4860 retained by the constituent unit. Any land so leased for private use and  
4861 the buildings and appurtenances thereon shall be subject to local  
4862 assessment and taxation annually in the name of the lessee, assignee or  
4863 sublessee, whichever has immediate right to occupancy of such land or  
4864 building, by the town wherein situated as of the assessment day of  
4865 such town next following the date of leasing. Such land and the  
4866 buildings and appurtenances thereon shall not be included as property  
4867 of the constituent unit for the purpose of computing a grant in lieu of  
4868 taxes pursuant to section 12-19a provided, if such property is leased to  
4869 an organization which, if the property were owned by or held in trust  
4870 for such organization would not be liable for taxes with respect to such  
4871 property under section 12-81, such organization shall be entitled to  
4872 exemption from property taxes as the lessee under such lease, and the  
4873 portion of such property exempted and leased to such organization  
4874 shall be eligible for a grant in lieu of taxes pursuant to said section 12-  
4875 19a.

4876 Sec. 148. (NEW) (*Effective July 1, 2008*) As used in sections 148 to 157,  
4877 inclusive, of this act:

4878 (a) "Commissioner" means the Commissioner of Transportation;

4879 (b) "Selection panel" means the evaluation and selection panel

4880 established under section 149 of this act; and

4881 (c) "Negotiation committee" means the committee established under  
4882 section 162 of this act.

4883 Sec. 149. (NEW) (*Effective July 1, 2008*) There is established within  
4884 the Department of Transportation one or more consultant services  
4885 evaluation and selection panels which shall consist of the following  
4886 persons from within the department: (1) Three individuals appointed  
4887 by the commissioner; (2) one individual appointed by the bureau head  
4888 of the bureau for which the specific project is being performed, subject  
4889 to the approval of the commissioner; and (3) one individual appointed  
4890 by the bureau head of any other bureau if such other bureau is  
4891 requesting the specific consultant services and if such bureau will be  
4892 responsible for the administration of the consultant contract, subject to  
4893 the approval of the commissioner.

4894 Sec. 150. (NEW) (*Effective July 1, 2008*) There shall be within the  
4895 Department of Transportation one or more negotiation committees  
4896 each of which shall consist of three individuals, appointed by the  
4897 commissioner from within the department, none of whom shall be  
4898 members of a selection panel.

4899 Sec. 151. (NEW) (*Effective July 1, 2008*) (a) Any consultant who  
4900 desires to provide consulting services to the department in any  
4901 calendar year shall be required to submit, not later than the fifteenth  
4902 day of November immediately preceding such calendar year,  
4903 information concerning their qualifications as may be required by the  
4904 department. Such consultants shall provide the department with  
4905 additional or updated information upon request by the department.  
4906 The commissioner shall by January first, annually, analyze the  
4907 information submitted and determine those consultants qualified to  
4908 perform services in areas of expertise established by the department.  
4909 The commissioner shall publish annually, in accordance with the  
4910 provisions of section 153 of this act, at any time between September  
4911 first to October first, a notice that any person, firm or corporation

4912 which desires to be listed with the department as a consultant shall  
4913 submit such information as required pursuant to this subsection to the  
4914 department. Such notice shall also list the areas of expertise likely to be  
4915 needed by the department during the next calendar year.

4916 (b) Except as provided in subsection (c) of this section, any  
4917 consultant, who has not submitted his qualifications to the  
4918 department, pursuant to subsection (a) of this section, shall not be  
4919 eligible to perform consultant services for the department. Any  
4920 prequalified consultant, who has submitted his qualifications to the  
4921 department, pursuant to subsection (a) of this section, who desires to  
4922 provide consultant services to the department in response to a notice  
4923 published in accordance with the provisions of section 153 of this act  
4924 shall submit only a letter of interest to that effect.

4925 (c) If the prequalified list contains less than five consulting firms or  
4926 does not include a consultant with a particular expertise required by  
4927 the department, any consultant may submit a letter of interest to the  
4928 department in response to a notice published, in accordance with the  
4929 provisions of section 153 of this act. The letter of interest shall set forth  
4930 the consultant's qualifications for performing the specific service  
4931 sought by the department. The selection panel shall then develop a  
4932 qualified list of consultants in accordance with sections 155 and 156 of  
4933 this act.

4934 Sec. 152. (NEW) (*Effective July 1, 2008*) The performance of all  
4935 consultants who have active agreements with the department shall be  
4936 evaluated by the supervising unit within the bureau utilizing the  
4937 consultant services, at six-month intervals and upon completion of the  
4938 consultant services. Each such evaluation shall be kept on file in the  
4939 supervising unit, a copy shall be filed with the permanent selection  
4940 panel and a copy shall be filed with the data repository designated by  
4941 the State Contracting Standards Board.

4942 Sec. 153. (NEW) (*Effective July 1, 2008*) Whenever there is a need to  
4943 engage a consultant, the commissioner shall publish a notice in

4944 appropriate professional magazines, professional newsletters and  
4945 newspapers indicating the general scope of the assignment and  
4946 requesting responses in accordance with subsection (b) of section 151  
4947 of this act, and at least once in one or more newspapers having a  
4948 circulation in each county of the state. Responses shall be received at  
4949 the Department of Transportation not later than fourteen days after the  
4950 last date on which the notice is published, unless additional time is  
4951 specifically authorized by the commissioner, or not later than any  
4952 specific date set forth in such notice. For certain specialized projects the  
4953 notice may also solicit a full work proposal in addition to the technical  
4954 qualifications of a firm.

4955       Sec. 154. (NEW) (*Effective July 1, 2008*) (a) A selection panel shall be  
4956 responsible for the preparation of the evaluation of interested  
4957 consultants and for the development of a list of prospective  
4958 consultants for each specific project.

4959       (b) Meetings of a selection panel may be called any time during  
4960 normal working hours. All motions and decisions shall require for  
4961 passage the affirmative vote of at least three of the members.

4962       (c) A selection panel shall screen all responses submitted in proper  
4963 form for a project and shall select five consultant firms for further  
4964 consideration for appointment and award of a contract. If fewer than  
4965 five responses are received, all responses shall be considered as eligible  
4966 for further consideration.

4967       Sec. 155. (NEW) (*Effective July 1, 2008*) In making the initial review of  
4968 responses and in all other steps of the selection process, the  
4969 commissioner and the selection panel shall be guided by the following  
4970 objective criteria:

4971       (a) Specialized design and technical competence of the consultant  
4972 firm regarding the types of service required;

4973       (b) Capacity and capability of the firm to perform the work,



4974 including any specialized services, within the time limitations;

4975 (c) Past record of performance on contracts with the state and other  
4976 clients with respect to such factors as control of costs, quality of work,  
4977 conformance with program and cooperation with client;

4978 (d) The volume of work performed by the firm within the previous  
4979 three years for the Department of Transportation and the volume of  
4980 work to be completed by such firm, if any, with the objective of  
4981 effecting an equitable distribution of contracts among qualified firms  
4982 and of assuring that the interest of the public in having available a  
4983 substantial number of qualified firms is protected, provided, the  
4984 principle of selection of the most highly qualified firms is not violated;  
4985 and

4986 (e) Where a full work proposal process is utilized, the degree to  
4987 which the consultant's proposal satisfies the requirements of the  
4988 department.

4989 Sec. 156. (NEW) (*Effective July 1, 2008*) (a) A selection panel shall  
4990 conduct interviews with the five consultant firms selected, or if fewer  
4991 than five responses are received, the panel shall conduct interviews  
4992 with all such firms and present the names of all the consultant firms  
4993 responding to the commissioner.

4994 (b) A selection panel shall proceed to furnish a list of the most  
4995 qualified consultant firms to the commissioner, or the names of all the  
4996 consultant firms responding if fewer than five respond. A panel shall  
4997 prepare a memorandum of the selection process, indicating how the  
4998 evaluation criteria were applied to determine the most qualified firms,  
4999 which shall be available to the public after execution of the contract  
5000 with the selected consultant. The commissioner shall select a  
5001 consultant from among the list of firms submitted by a selection panel.  
5002 After the commissioner has made his selection, the names of the  
5003 consultant firms submitted to the commissioner shall be available to  
5004 the public upon request. The commissioner shall also prepare a

5005 memorandum of the final phase of the selection process, indicating  
5006 how he applied the evaluation criteria to determine the most qualified  
5007 firm. Such memorandum shall be available to the public after  
5008 execution of the contract with the selected consultant.

5009       Sec. 157. (NEW) (*Effective July 1, 2008*) (a) Upon notification by the  
5010 commissioner of his selection, the bureau head who will administer  
5011 the contract shall notify the consultant of his selection. The selected  
5012 firm shall be audited if necessary prior to negotiations and also during  
5013 the contract life in accordance with federal statutes, the general  
5014 statutes and regulations adopted pursuant to such statutes. A member  
5015 of the negotiation committee shall be present at all such audit  
5016 meetings.

5017       (b) The selected consultant shall send its fee proposal to the  
5018 negotiation committee. The appropriate bureau of the department  
5019 shall prepare a comparative fee proposal that shall also be submitted to  
5020 a negotiation committee. The committee shall complete negotiations  
5021 and submit appropriate data to the initiating bureau for the purpose of  
5022 processing an agreement.

5023       (c) Prior to a contract being executed, the selected consultant shall  
5024 execute a certificate stating that wage rates and other factual unit costs  
5025 supporting the compensation are accurate, complete and current at the  
5026 time of contracting and the consultant firm shall provide to the bureau  
5027 responsible for administering the project a list of individuals who are  
5028 expected to contribute to the project.

5029       (d) Any such contract shall contain a provision that the original  
5030 contract price and any additions thereto shall be adjusted to exclude  
5031 any significant sums by which the commissioner determines the  
5032 contract price was increased due to inaccurate, incomplete or  
5033 noncurrent wage rates and other factual unit costs. All such contract  
5034 adjustments shall be made within one year following the end of the  
5035 contract.

5036 (e) If the negotiation committee is unable to negotiate a satisfactory  
5037 contract with the firm selected by the commissioner, at a price the  
5038 committee determines to be fair, competitive and reasonable,  
5039 negotiations with that firm shall be formally terminated. The  
5040 commissioner shall select a consultant from the remaining firms on the  
5041 list submitted by the selection panel and the procedure established  
5042 under this section shall be followed.

5043 (f) Should the negotiation committee be unable to negotiate a  
5044 satisfactory contract with any of the firms selected by the panel, the  
5045 panel shall select additional firms and the procedures established  
5046 under section 156 of this act [3b-20j] and this section shall be followed.

5047 (g) After award of a contract under sections 148 to 157 of this act,  
5048 inclusive, the negotiation committee shall prepare a memorandum  
5049 setting forth the principal elements of the negotiations with each firm.  
5050 Such memorandum shall contain sufficient detail to reflect the  
5051 significant considerations controlling price and other terms of the  
5052 contract. The memorandum shall be available to the public upon  
5053 request.

5054 Sec. 158. (NEW) (*Effective July 1, 2008*) In order to promote  
5055 engineering and design quality and ensure maximum competition by  
5056 firms providing consultant services, as defined in section 47 of this act,  
5057 the Secretary of the Office of Policy and Management, in consultation  
5058 with the Commissioner of Transportation, shall establish guidelines for  
5059 determining the reasonableness and allowability of various cost factors  
5060 which shall include, but not be limited to, salary limits, benefits and  
5061 expense reimbursement.

5062 Sec. 159. (NEW) (*Effective July 1, 2008*) (a) Bid security shall be  
5063 required for all competitive sealed bidding for construction contracts  
5064 in a design-bid-build procurement when the price is estimated by the  
5065 state contracting agency to exceed an amount established by  
5066 regulations pertaining to the agency. Bid security shall be a bond  
5067 provided by a surety company authorized to do business in this State,

5068 or the equivalent in cash, or otherwise supplied in a form satisfactory  
5069 to the State. Nothing herein prevents the requirement of such bonds on  
5070 such contracts under the amount set by regulation when the  
5071 circumstances warrant.

5072 (b) Bid security shall be in an amount equal to at least five per cent  
5073 of the amount of the bid.

5074 (c) When the invitation for bids requires security, noncompliance  
5075 requires that the bid be rejected unless, pursuant to regulations, it is  
5076 determined that the bid fails to comply in a non-substantial manner  
5077 with the security requirements.

5078 (d) After bids are opened, they shall be irrevocable for the period  
5079 specified in the invitation for bids (except as provided for bids in  
5080 section 57 of this act. If a bidder is permitted to withdraw its bid (or  
5081 proposal) before award, or is excluded from the competition before  
5082 award, no action shall be had against the bidder or the bid security.

5083 Sec. 160. (NEW) (*Effective July 1, 2008*) (a) When a construction,  
5084 design-build or related methods contract is awarded in excess of the  
5085 amount, set forth in regulation, the following bonds or security shall be  
5086 delivered to the State and shall become binding on the parties upon the  
5087 execution of the contract:

5088 (1) A performance bond satisfactory to the State, executed by a  
5089 surety company authorized to do business in this State or otherwise  
5090 secured in a manner satisfactory to the State, in an amount equal to  
5091 one hundred per cent of the portion of the contract price that does not  
5092 include the cost of operation, maintenance, and finance; and

5093 (2) A payment bond satisfactory to the State, executed by a surety  
5094 company authorized to do business in this State or otherwise secured  
5095 in a manner satisfactory to the State, for the protection of all persons  
5096 supplying labor and material to the contractor or its subcontractors for  
5097 the performance of the construction work provided for in the contract.

5098 The bond shall be in an amount equal to one hundred per cent of the  
5099 portion of the contract price that does not include the cost of operation,  
5100 maintenance, and finance.

5101 (b) Regulations may authorize the State Contracting Standards  
5102 Board to reduce the amount of performance and payment bonds to  
5103 fifty percent of the amounts established in subsection (a) of this  
5104 section.

5105 (c) Nothing in this section shall be construed to limit the authority of  
5106 the State to require a performance bond or other security in addition to  
5107 such bonds, or in circumstances other than specified in subsection (a)  
5108 of this section.

5109 Sec. 161. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of  
5110 Administrative Services shall promulgate by regulation, with the  
5111 approval of the Contract Standards Board, the form of the bonds  
5112 required by this Part.

5113 (b) Any person may request and obtain from the State a certified  
5114 copy of a bond upon payment of the cost of reproduction of the bond  
5115 and postage, if any. A certified copy of a bond shall be prima facie  
5116 evidence of the contents, execution, and delivery of the original.

5117 Sec. 162. (NEW) (*Effective July 1, 2008*) The Commissioner of  
5118 Administrative Services shall promulgate regulations, with the  
5119 approval of the State Contracting Standards Board, that specify when  
5120 the State contracting agency shall require proposers to provide  
5121 appropriate errors and omissions insurance to cover architectural and  
5122 engineering services under the project delivery methods set forth in  
5123 section 125 of the act.

5124 Sec. 163. (NEW) (*Effective July 1, 2008*) (a) With respect to  
5125 infrastructure facilities and services, the State Contracting Standards  
5126 Board, in consultation with the state contracting agencies, shall  
5127 promulgate regulations requiring the inclusion in State contracts

5128 issued under this act of clauses providing for adjustments in prices,  
5129 time of performance, or other contract provisions, as appropriate, and  
5130 covering the following subjects:

5131 (1) The unilateral right of the State to order in writing:

5132 (A) Changes in the work within the scope of the contract; and

5133 (B) Changes in the time of performance of the contract that do not  
5134 alter the scope of the contract work;

5135 (2) Variations occurring between estimated quantities of work in a  
5136 contract and actual quantities;

5137 (3) Suspension of work ordered by the State; and

5138 (4) Site conditions differing from those indicated in the contract, or  
5139 ordinarily encountered, except that differing site conditions clauses  
5140 promulgated by the Board need not be included in a contract:

5141 (A) When the contract is negotiated;

5142 (B) When the contractor provides the site or design; or

5143 (C) When the parties have otherwise agreed with respect to the risk  
5144 of differing site conditions.

5145 (b) (1) Adjustments in price pursuant to clauses promulgated under  
5146 Subsection (a) of this Section shall be computed in one or more of the  
5147 following ways:

5148 (A) By agreement on a fixed-price adjustment before  
5149 commencement of the pertinent performance or as soon thereafter as  
5150 practicable;

5151 (B) By unit prices specified in the contract or subsequently agreed  
5152 upon;

5153 (C) By the costs attributable to the events or situations under such

5154 clauses with adjustment of profit or fee, all as specified in the contract  
5155 or subsequently agreed upon;

5156 (D) In such other manner as the contracting parties may mutually  
5157 agree; or

5158 (E) In the absence of agreement by the parties, by a unilateral  
5159 determination by the State of the costs attributable to the events or  
5160 situations under such clauses with adjustment of profit or fee, all as  
5161 computed by the State in accordance with applicable sections of the  
5162 regulations promulgated under this act.

5163 (2) A contractor shall be required to submit cost or pricing data if  
5164 any adjustment in contract price is subject to the provisions of section  
5165 87 of this act.

5166 (c) Regulations shall be promulgated requiring the inclusion in State  
5167 construction contracts of clauses providing for appropriate remedies  
5168 and covering the following subjects:

5169 (1) Liquidated damages as appropriate;

5170 (2) Specified excuses for delay or nonperformance;

5171 (3) Termination of the contract for default; and

5172 (4) Termination of the contract in whole or in part for the  
5173 convenience of the State.

5174 Sec. 164. (NEW) (*Effective July 1, 2008*) Every contract modification,  
5175 change order, or contract price adjustment under a construction  
5176 contract with the State in excess of fifty thousand dollars shall be  
5177 subject to prior written certification by the fiscal officer of the state  
5178 contracting agency or other agency responsible for funding the project  
5179 or the contract, or other official responsible for monitoring and  
5180 reporting upon the status of the costs of the total project budget or  
5181 contract budget, as to the effect of the contract modification, change

5182 order, or adjustment in contract price on the total project budget or the  
5183 total contract budget. In the event that the certification of the fiscal  
5184 officer or other responsible official discloses a resulting increase in the  
5185 total project budget or the total contract budget, the Agency  
5186 Procurement Officer shall not execute or make such contract  
5187 modification, change order, or adjustment in contract price unless  
5188 sufficient funds are available therefor, or the scope of the project or  
5189 contract is adjusted so as to permit the degree of completion that is  
5190 feasible within the total project budget and/or total contract budget as  
5191 it existed prior to the contract modification, change order, or  
5192 adjustment in contract price under consideration; provided, however,  
5193 that with respect to the validity, as to the contractor, of any executed  
5194 contract modification, change order, or adjustment in contract price  
5195 which the contractor has reasonably relied upon, it shall be presumed  
5196 that there has been compliance with the provisions of this Section.

5197 Sec. 165. (NEW) (*Effective July 1, 2008*) As used in sections 165 to 172  
5198 of this act, inclusive, "secretary" means the Secretary of the Office of  
5199 Policy and Management.

5200 Sec. 166. (NEW) (*Effective July 1, 2008*) On and after July 1, 1994, no  
5201 state contracting agency may hire a personal service contractor  
5202 without executing a personal service agreement with such contractor.

5203 Sec. 167. (NEW) (*Effective July 1, 2008*) (a) Each personal service  
5204 agreement executed on or after July 1, 1994, and having a cost of not  
5205 more than twenty thousand dollars and a term of not more than one  
5206 year shall be based, when possible, on competitive negotiation or  
5207 competitive quotations.

5208 (b) Not later than thirty days after the end of each six-month period,  
5209 beginning with the six-month period ending on December 31, 1994,  
5210 each state contracting agency shall submit a report to the secretary  
5211 indicating (1) for each personal service agreement described in  
5212 subsection (a) of this section that is executed during the six-month  
5213 period, the name of the personal service contractor, a description of the



5214 services to be provided, the term and cost of the agreement and the  
5215 method of selecting the contractor, and (2) for each personal service  
5216 agreement described in said subsection (a) that is in effect during the  
5217 six-month period, the amount of all payments made during the six-  
5218 month period to the contractor, by fund, and the amount of any federal  
5219 or private funds allocated for such payments.

5220       Sec. 168. (NEW) (*Effective July 1, 2008*) (a) Each personal service  
5221 agreement executed on or after July 1, 1994, and having a cost of more  
5222 than twenty thousand dollars but not more than fifty thousand dollars  
5223 and a term of not more than one year shall be based on competitive  
5224 negotiation or competitive quotations, unless the state contracting  
5225 agency purchasing the personal services determines that a sole source  
5226 purchase is required and applies to the secretary for a waiver from  
5227 such requirement and the secretary grants the waiver. Not later than  
5228 March 1, 1994, the secretary shall adopt guidelines for determining the  
5229 types of services that may qualify for such waivers. The qualifying  
5230 services shall include, but not be limited to, (1) services for which the  
5231 cost to the state of a competitive selection procedure would outweigh  
5232 the benefits of such procedure, as documented by the state contracting  
5233 agency, (2) proprietary services, (3) services to be provided by a  
5234 contractor mandated by the general statutes or a public or special act,  
5235 and (4) emergency services, including services needed for the  
5236 protection of life or health.

5237       (b) Each state contracting agency shall submit the following  
5238 information to the secretary concerning each proposed personal  
5239 service agreement described in subsection (a) of this section, at the  
5240 same time that it submits the agreement to the Commissioner of  
5241 Administrative Services or the Attorney General: The name of the  
5242 personal service contractor, a description of the services to be  
5243 provided, the term and cost of the agreement, the method of selecting  
5244 the contractor, the state fund from which the contractor will be paid  
5245 and whether any federal or private funds will be allocated for such  
5246 payments.

5247       Sec. 169. (NEW) (*Effective July 1, 2008*) (a) No state contracting  
5248 agency may execute a personal service agreement having a cost of  
5249 more than fifty thousand dollars or a term of more than one year,  
5250 without the approval of the secretary. A state contracting agency may  
5251 apply for an approval by submitting the following information to the  
5252 secretary: (1) A description of the services to be purchased and the  
5253 need for such services; (2) an estimate of the cost of the services and  
5254 the term of the agreement; (3) whether the services are to be on-going;  
5255 (4) whether the state contracting agency has contracted out for such  
5256 services during the preceding two years and, if so, the name of the  
5257 contractor, term of the agreement with such contractor and the amount  
5258 paid to the contractor; (5) whether any other state contracting agency  
5259 has the resources to provide the services; (6) whether the agency  
5260 intends to purchase the services by competitive negotiation and, if not,  
5261 why; and (7) whether it is possible to purchase the services on a  
5262 cooperative basis with other state contracting agencies. The secretary  
5263 shall approve or disapprove an application within fifteen business  
5264 days after receiving it and any necessary supporting information,  
5265 provided if the secretary does not act within such fifteen-day period  
5266 the application shall be deemed to have been approved. The secretary  
5267 shall immediately notify the Auditors of Public Accounts of any  
5268 application which the secretary receives for approval of a personal  
5269 services agreement for audit services and give said auditors an  
5270 opportunity to review the application during such fifteen-day period  
5271 and advise the secretary as to whether such audit services are  
5272 necessary and, if so, could be provided by said auditors.

5273       (b) Each personal service agreement having a cost of more than fifty  
5274 thousand dollars or a term of more than one year shall be based on  
5275 competitive negotiation or competitive quotations, unless the state  
5276 contracting agency purchasing the personal services applies to the  
5277 secretary for a waiver from such requirement and the secretary grants  
5278 the waiver in accordance with the guidelines adopted under  
5279 subsection (a) of section 4-215 of the general statutes.

5280       Sec. 170. (NEW) (*Effective July 1, 2008*) (a) Not later than March 1,  
5281 1994, the Secretary of the Office of Policy and Management shall  
5282 establish standards for state contracting agencies to follow in entering  
5283 into personal service agreements. The standards shall include, but not  
5284 be limited to, provisions for: (1) Evaluating the need to use a personal  
5285 service agreement, (2) developing a request for proposals, (3)  
5286 advertising for personal service contractors, (4) evaluating submitted  
5287 proposals, (5) selecting a personal service contractor, including  
5288 compliance with section 178 and 179 of this act, (6) systematically  
5289 monitoring and evaluating personal service contractor performance,  
5290 (7) documenting the entire process for selecting and managing  
5291 personal service contractors and (8) carrying out any other aspect of  
5292 such process.

5293       (b) Not later than May 1, 1994, each state contracting agency shall:  
5294 (1) Establish written procedures for implementing the standards  
5295 established by the secretary under subsection (a) of this section, and (2)  
5296 submit such procedures to the secretary for his approval. If the  
5297 secretary disapproves an agency's procedures he shall return the  
5298 procedures to the agency with recommendations for revisions. On and  
5299 after July 1, 1994, no state contracting agency may execute a personal  
5300 service agreement unless the secretary has approved procedures  
5301 established by the agency under this section.

5302       (c) A request for proposals issued under sections 167, 168 or 169 of  
5303 this act shall include, but not be limited to, an outline of the work to be  
5304 performed, the required minimum qualifications for the personal  
5305 service contractor, criteria for review of proposals by the state  
5306 contracting agency, the format for proposals and the deadline for  
5307 submitting proposals. Each state contracting agency which prepares a  
5308 request for proposals shall establish a screening committee to evaluate  
5309 the proposals submitted in response to the request for proposals. The  
5310 screening committee shall rank all proposals in accordance with the  
5311 criteria set forth in the request for proposals and shall submit the  
5312 names of the top three proposers to the executive head of the agency,

5313 who shall select the personal service contractor from among such  
5314 names.

5315       Sec. 171. (NEW) (*Effective July 1, 2008*) (a) Not later than thirty days  
5316 after the end of each six-month period, beginning with the six-month  
5317 period ending on December 31, 2008, each state contracting agency  
5318 shall submit a report to the secretary and the State Contracting  
5319 Standards Board indicating (1) for each personal service agreement  
5320 executed during such six-month period with a person, firm or  
5321 corporation providing "contractual services", as defined in this act, to  
5322 the state, a "consultant", as defined in this act, or an agency of the  
5323 federal government, of the state or of a political subdivision of the  
5324 state, (A) the name of the person, firm or corporation, (B) a description  
5325 of the services to be provided, (C) the term and cost of the agreement  
5326 and (D) the method of selecting the person, firm or corporation and (2)  
5327 for each such agreement either executed or otherwise in effect during  
5328 the six-month period, (A) the amount of all payments made during the  
5329 six-month period to the person, firm or corporation, by fund, and (B)  
5330 the amount of any federal or private funds allocated for such  
5331 payments. No state agency utilizing contractual services hired by  
5332 using a purchase order approved and committed by the State  
5333 Comptroller shall be required to submit a report to the secretary.

5334       (b) Not later than thirty days after the end of each six-month period,  
5335 beginning with the six-month period ending on December 31, 1995, the  
5336 Department of Transportation shall submit a report to the secretary  
5337 indicating (1) for each agreement executed during such six-month  
5338 period with a "consultant", as defined in this act, or an agency of the  
5339 federal government, of the state or of a political subdivision of the  
5340 state, (A) the name of the person, firm or corporation, (B) a description  
5341 of the services to be provided, (C) the term and cost of the agreement  
5342 and (D) the method of selecting the person, firm or corporation and (2)  
5343 for each such agreement either executed or otherwise in effect during  
5344 the six-month period, (A) the amount of all payments made during the  
5345 six-month period to the person, firm or corporation, by fund, and (B)

5346 the amount of any federal or private funds allocated for such  
5347 payments.

5348 (c) Not later than September 1, 1995, and annually thereafter, the  
5349 secretary shall submit a report to the General Assembly summarizing  
5350 information received pursuant to subsection (b) of section 167 of this  
5351 act, subsection (b) of section 168 of this act, subsection (a) of section 169  
5352 of this act, and subsections (a) and (b) of section 171 of this act for the  
5353 preceding fiscal year.

5354 Sec. 172. (NEW) (*Effective July 1, 2008*) No state contracting agency  
5355 may, without the approval of the secretary, execute (1) an amendment  
5356 to a personal service agreement, which agreement has an original cost  
5357 of more than fifty thousand dollars, or (2) an amendment to any other  
5358 personal service agreement, which amendment (A) has a cost of one  
5359 hundred per cent or more of the cost of the original agreement, (B)  
5360 increases the cost of the agreement to more than fifty thousand dollars,  
5361 (C) extends the terms of the agreement beyond a one-year period or  
5362 (D) is the second or subsequent amendment to the agreement. The  
5363 secretary shall approve or disapprove a proposed amendment within  
5364 fifteen business days after receiving it and any necessary supporting  
5365 information, provided if the secretary does not act within such fifteen-  
5366 day period the application shall be deemed to have been approved.

5367 Sec. 173. (NEW) (*Effective July 1, 2008*) (a) No state contracting  
5368 agency may extend a contract for the purchase of supplies, materials,  
5369 equipment or contractual services which expires on or after October 1,  
5370 1990, and is subject to the competitive bidding requirements of  
5371 subsection (a) of section 56 of this act, without complying with such  
5372 requirements, unless (1) the Commissioner of Administrative Services  
5373 or other appropriate award authority makes a written determination,  
5374 supported by documentation, that (A) soliciting competitive bids for  
5375 such purchase would cause a hardship for the state, (B) such  
5376 solicitation would result in a major increase in the cost of such  
5377 supplies, materials, equipment or contractual services, or (C) the

5378 contractor is the sole source for such supplies, materials, equipment or  
5379 contractual services, (2) such commissioner solicits at least three  
5380 competitive quotations in addition to the contractor's quotation, and  
5381 (3) the commissioner makes a written determination that no such  
5382 competitive quotation which complies with the existing specifications  
5383 for the contract is lower than or equal to the contractor's quotation.  
5384 Any such contract extension shall be based on the contractor's  
5385 quotation. No contract may be extended more than two times under  
5386 this section.

5387 (b) Notwithstanding the provisions of subsection (a) of this section,  
5388 the Commissioners of Administrative Services and Public Works may,  
5389 for a period of one year from the date such contract would otherwise  
5390 expire, extend any contract in effect on May 1, 2005, with a value of  
5391 fifty thousand dollars or more per year, to perform any of the  
5392 following services for the state: Janitorial, building maintenance,  
5393 security and food and beverage. Any such extension shall include any  
5394 applicable increase in the standard wage and the payroll burden to  
5395 administer the standard wage, as established by the Labor  
5396 Department.

5397 Sec. 174. (NEW) (*Effective July 1, 2008*) (a) Contract Clauses. With  
5398 respect to contracts for supplies and services, the State Contracting  
5399 Standards Board, in consultation with state contracting agencies may  
5400 promulgate regulations permitting or requiring the inclusion of clauses  
5401 providing for adjustments in prices, time of performance, or other  
5402 contract provisions as appropriate covering the following subjects:

5403 (1) The unilateral right of the State to order in writing:

5404 (A) Changes in the work within the scope of the contract; and

5405 (B) Temporary stopping of the work or delaying performance; and

5406 (2) Variations occurring between estimated quantities of work in a  
5407 contract and actual quantities.

5408 (b) (1) Adjustments in price pursuant to clauses promulgated under  
5409 subsection (a) of this section shall be computed in one or more of the  
5410 following ways:

5411 (A) By agreement on a fixed-price adjustment before  
5412 commencement of the pertinent performance or as soon thereafter as  
5413 practicable;

5414 (B) By unit prices specified in the contract or subsequently agreed  
5415 upon;

5416 (C) By the costs attributable to the events or situations under such  
5417 clauses with adjustment of profit or fee, all as specified in the contract  
5418 or subsequently agreed upon;

5419 (D) In such other manner as the contracting parties may mutually  
5420 agree; or

5421 (E) In the absence of agreement by the parties, by a unilateral  
5422 determination by the State of the costs attributable to the events or  
5423 situations under such clauses with adjustment of profit or fee, all as  
5424 computed by the State in accordance with applicable sections of the  
5425 regulations promulgated under this act.

5426 (c) The Commissioner of Administrative Services may promulgate  
5427 regulations, following approval by the State Contracting Standards  
5428 Board, including, but not limited to, regulations permitting or  
5429 requiring the inclusion in State contracts of clauses providing for  
5430 appropriate remedies and covering the following subjects:

5431 (1) Liquidated damages as appropriate;

5432 (2) Specified excuses for delay or nonperformance;

5433 (3) Termination of the contract for default; and

5434 (4) Termination of the contract in whole or in part for the  
5435 convenience of the State.

5436       Sec. 175. (NEW) (*Effective July 1, 2008*) (a) Every contract to which  
5437 the state or any political subdivision of the state other than a  
5438 municipality is a party shall contain the following provisions:

5439       (1) The contractor agrees and warrants that in the performance of  
5440 the contract such contractor will not discriminate or permit  
5441 discrimination against any person or group of persons on the grounds  
5442 of race, color, religious creed, age, marital status, national origin,  
5443 ancestry, sex, mental retardation or physical disability, including, but  
5444 not limited to, blindness, unless it is shown by such contractor that  
5445 such disability prevents performance of the work involved, in any  
5446 manner prohibited by the laws of the United States or of the state of  
5447 Connecticut. The contractor further agrees to take affirmative action to  
5448 insure that applicants with job-related qualifications are employed and  
5449 that employees are treated when employed without regard to their  
5450 race, color, religious creed, age, marital status, national origin,  
5451 ancestry, sex, mental retardation, or physical disability, including, but  
5452 not limited to, blindness, unless it is shown by such contractor that  
5453 such disability prevents performance of the work involved;

5454       (2) The contractor agrees, in all solicitations or advertisements for  
5455 employees placed by or on behalf of the contractor, to state that it is an  
5456 "affirmative action-equal opportunity employer" in accordance with  
5457 regulations adopted by the commission;

5458       (3) The contractor agrees to provide each labor union or  
5459 representative of workers with which such contractor has a collective  
5460 bargaining agreement or other contract or understanding and each  
5461 vendor with which such contractor has a contract or understanding, a  
5462 notice to be provided by the commission advising the labor union or  
5463 workers' representative of the contractor's commitments under this  
5464 section, and to post copies of the notice in conspicuous places available  
5465 to employees and applicants for employment;

5466       (4) The contractor agrees to comply with each provision of this  
5467 section and sections 46a-68e and 46a-68f of the general statutes and



5468 with each regulation or relevant order issued by said commission  
5469 pursuant to sections 46a-56, 46a-68e and 46a-68f of the general statutes;

5470 (5) The contractor agrees to provide the Commission on Human  
5471 Rights and Opportunities with such information requested by the  
5472 commission, and permit access to pertinent books, records and  
5473 accounts, concerning the employment practices and procedures of the  
5474 contractor as relate to the provisions of this section and section 46a-56  
5475 of the general statutes. If the contract is a public works contract, the  
5476 contractor agrees and warrants that he will make good faith efforts to  
5477 employ minority business enterprises as subcontractors and suppliers  
5478 of materials on such public works project.

5479 (b) For the purposes of this section, "minority business enterprise"  
5480 means any small contractor or supplier of materials fifty-one per cent  
5481 or more of the capital stock, if any, or assets of which is owned by a  
5482 person or persons:

5483 (1) Who are active in the daily affairs of the enterprise,

5484 (2) who have the power to direct the management and policies of  
5485 the enterprise and

5486 (3) Who are members of a minority, as such term is defined in  
5487 subsection (a) of section 32-9n of the general statutes; and "good faith"  
5488 means that degree of diligence which a reasonable person would  
5489 exercise in the performance of legal duties and obligations. "Good faith  
5490 efforts" shall include, but not be limited to, those reasonable initial  
5491 efforts necessary to comply with statutory or regulatory requirements  
5492 and additional or substituted efforts when it is determined that such  
5493 initial efforts will not be sufficient to comply with such requirements.

5494 (c) Determination of the contractor's good faith efforts shall include  
5495 but shall not be limited to the following factors: The contractor's  
5496 employment and subcontracting policies, patterns and practices;  
5497 affirmative advertising, recruitment and training; technical assistance

5498 activities and such other reasonable activities or efforts as the  
5499 commission may prescribe that are designed to ensure the  
5500 participation of minority business enterprises in public works projects.

5501 (d) The contractor shall develop and maintain adequate  
5502 documentation, in a manner prescribed by the commission, of its good  
5503 faith efforts.

5504 (e) The contractor shall include the provisions of subsection (a) of  
5505 this section in every subcontract or purchase order entered into in  
5506 order to fulfill any obligation of a contract with the state and such  
5507 provisions shall be binding on a subcontractor, vendor or  
5508 manufacturer unless exempted by regulations or orders of the  
5509 commission. The contractor shall take such action with respect to any  
5510 such subcontract or purchase order as the commission may direct as a  
5511 means of enforcing such provisions including sanctions for  
5512 noncompliance in accordance with section 46a-56; provided, if such  
5513 contractor becomes involved in, or is threatened with, litigation with a  
5514 subcontractor or vendor as a result of such direction by the  
5515 commission, the contractor may request the state of Connecticut to  
5516 enter into any such litigation or negotiation prior thereto to protect the  
5517 interests of the state and the state may so enter.

5518 Sec. 176. (NEW) (*Effective July 1, 2008*) (a) Every contract to which  
5519 the state or any political subdivision of the state other than a  
5520 municipality is a party shall contain the following provisions:

5521 (1) The contractor agrees and warrants that in the performance of  
5522 the contract such contractor will not discriminate or permit  
5523 discrimination against any person or group of persons on the grounds  
5524 of sexual orientation, in any manner prohibited by the laws of the  
5525 United States or of the State of Connecticut, and that employees are  
5526 treated when employed without regard to their sexual orientation;

5527 (2) The contractor agrees to provide each labor union or  
5528 representative of workers with which such contractor has a collective

5529 bargaining agreement or other contract or understanding and each  
5530 vendor with which such contractor has a contract or understanding, a  
5531 notice to be provided by the Commission on Human Rights and  
5532 Opportunities advising the labor union or workers' representative of  
5533 the contractor's commitments under this section, and to post copies of  
5534 the notice in conspicuous places available to employees and applicants  
5535 for employment;

5536 (3) The contractor agrees to comply with each provision of this  
5537 section and with each regulation or relevant order issued by said  
5538 commission pursuant to section 46a-56 of the general statutes;

5539 (4) The contractor agrees to provide the Commission on Human  
5540 Rights and Opportunities with such information requested by the  
5541 commission, and permit access to pertinent books, records and  
5542 accounts, concerning the employment practices and procedures of the  
5543 contractor which relate to the provisions of this section and section  
5544 46a-56 of the general statutes.

5545 (b) The contractor shall include the provisions of subsection (a) of  
5546 this section in every subcontract or purchase order entered into in  
5547 order to fulfill any obligation of a contract with the state and such  
5548 provisions shall be binding on a subcontractor, vendor or  
5549 manufacturer unless exempted by regulations or orders of the  
5550 commission. The contractor shall take such action with respect to any  
5551 such subcontract or purchase order as the commission may direct as a  
5552 means of enforcing such provisions including sanctions for  
5553 noncompliance in accordance with section 46a-56; provided, if such  
5554 contractor becomes involved in, or is threatened with, litigation with a  
5555 subcontractor or vendor as a result of such direction by the  
5556 commission, the contractor may request the state of Connecticut to  
5557 enter into any such litigation or negotiation prior thereto to protect the  
5558 interests of the state and the state may so enter.

5559 Sec. 177. (NEW) (*Effective from passage*) (a) The Commission on  
5560 Human Rights and Opportunities, in cooperation with the Office of

5561 Policy and Management and the Department of Administrative  
5562 Services, shall conduct a disparity study.

5563 (b) The study shall generate statistical data by which the state could  
5564 establish a foundation for adjusting, upward or downward, its current  
5565 set-aside goals. The study shall include, but not be limited to,  
5566 examining:

5567 (1) Whether there is significant evidence of past or continuing  
5568 discrimination in the way that the state's contracting duties are  
5569 executed;

5570 (2) The number of small and minority businesses qualified for  
5571 eligibility for state contracts;

5572 (3) The state's contracting processes to determine if there are any  
5573 unintentional but existing barriers in the process that prevent small  
5574 and minority businesses from fully participating in the state's  
5575 procurement process.

5576 (c) The Commission shall submit its recommendations to the  
5577 Governor, the joint standing committee of the General Assembly  
5578 having cognizance over the judiciary and the State Contracting  
5579 Standards Board, no later than January 1, 2008.

5580 Sec. 178. (NEW) (*Effective July 1, 2008*) As used in sections 163 to 189,  
5581 inclusive, of this act: (a) "Small contractor" means any contractor,  
5582 subcontractor, manufacturer or service company

5583 (1) That has been doing business under the same ownership [and] or  
5584 management and has maintained its principal place of business in the  
5585 state, for a period of at least one year immediately prior to the date of  
5586 application for certification under this section,

5587 (2) Which, prior to July 1, 2008 had gross revenues not exceeding ten  
5588 million dollars in the most recently completed fiscal year prior to such  
5589 application, and on or after July 1, 2008, meets the size standard

5590 established by the Department of Administrative Services for the  
5591 business sector in which such contractor, subcontractor, manufacturer  
5592 or service company primarily operates, and

5593 (3) At least fifty-one per cent of the ownership of which is held by a  
5594 person or persons who exercise operational authority over the daily  
5595 affairs of the business and have the power to direct the management  
5596 and policies and receive the beneficial interests of the business, except  
5597 that a nonprofit corporation shall be construed to be a small contractor  
5598 if such nonprofit corporation meets the requirements of subparagraphs  
5599 (1) and (2) of this subdivision.

5600 (b) "State agency" mean a state contracting agency as set forth in  
5601 section 47 of this act as well as the constitutional officers, and  
5602 legislative and judicial branches.

5603 (c) "Minority business enterprise" means any small contractor

5604 (1) Fifty-one per cent or more of the capital stock, if any, or assets of  
5605 which are owned by a person or persons

5606 (i) Who exercise operational authority over the daily affairs of the  
5607 enterprise,

5608 (ii) Who have the power to direct the management and policies and  
5609 receive the beneficial interest of the enterprise, and

5610 (iii) Who are members of a minority, as such term is defined in  
5611 subsection (a) of section 32-9n,

5612 (2) Who is an individual with a disability, or

5613 (3) Which is a nonprofit corporation in which fifty-one per cent or  
5614 more of the persons who:

5615 (i) Exercise operational authority over the enterprise, and

5616 (ii) Have the power to direct the management and policies of the

5617 enterprise are members of a minority, as defined in this subsection, or  
5618 are individuals with a disability.

5619 (d) "Affiliated" means the relationship in which a person directly, or  
5620 indirectly through one or more intermediaries, controls, is controlled  
5621 by or is under common control with another person.

5622 (e) "Control" means the power to direct or cause the direction of the  
5623 management and policies of any person, whether through the  
5624 ownership of voting securities, by contract or through any other direct  
5625 or indirect means. Control shall be presumed to exist if any person,  
5626 directly or indirectly, owns, controls, holds with the power to vote, or  
5627 holds proxies representing, twenty per cent or more of any voting  
5628 securities of another person.

5629 (f) "Person" means any individual, corporation, limited liability  
5630 company, partnership, association, joint stock company, business trust,  
5631 unincorporated organization or other entity.

5632 (g) "Individual with a disability" means an individual

5633 (1) Having a physical impairment that substantially limits one or  
5634 more of the major life activities of the individual or

5635 (2) Having a record of such an impairment.

5636 (h) "Nonprofit corporation" means a nonprofit corporation  
5637 incorporated pursuant to chapter 602 or any predecessor statutes  
5638 thereto.

5639 Sec. 179. (NEW) (*Effective July 1, 2008*) (a) As used in this section and  
5640 sections 4a-60h to 4a-60j, inclusive, the following terms have the  
5641 following meanings:

5642 (1) "Small contractor" means any contractor, subcontractor,  
5643 manufacturer or service company (A) which has been doing business  
5644 under the same ownership and management and has maintained its

5645 principal place of business in the state, for a period of at least one year  
5646 immediately prior to the date of application for certification under this  
5647 section, (B) which had gross revenues not exceeding ten million dollars  
5648 in the most recently completed fiscal year prior to such application and  
5649 (C) at least fifty-one per cent of the ownership of which is held by a  
5650 person or persons who exercise operational authority over the daily  
5651 affairs of the business and have the power to direct the management  
5652 and policies and receive the beneficial interests of the business, except  
5653 that a nonprofit corporation shall be construed to be a small contractor  
5654 if such nonprofit corporation meets the requirements of subparagraphs  
5655 (A) and (B) of this subdivision.

5656 (2) "State agency" means each state board, commission, department,  
5657 office, institution, council or other agency with the power to contract  
5658 for goods or services itself or through its head.

5659 (3) "Minority business enterprise" means any small contractor (A)  
5660 fifty-one per cent or more of the capital stock, if any, or assets of which  
5661 are owned by a person or persons (i) who exercise operational  
5662 authority over the daily affairs of the enterprise, (ii) who have the  
5663 power to direct the management and policies and receive the beneficial  
5664 interest of the enterprise, and (iii) who are members of a minority, as  
5665 such term is defined in subsection (a) of section 32-9n of the general  
5666 statutes, (B) who is an individual with a disability, or (C) which is a  
5667 nonprofit corporation in which fifty-one per cent or more of the  
5668 persons who (i) exercise operational authority over the enterprise, and  
5669 (ii) have the power to direct the management and policies of the  
5670 enterprise are members of a minority, as defined in this subsection, or  
5671 are individuals with a disability.

5672 (4) "Affiliated" means the relationship in which a person directly, or  
5673 indirectly through one or more intermediaries, controls, is controlled  
5674 by or is under common control with another person.

5675 (5) "Control" means the power to direct or cause the direction of the  
5676 management and policies of any person, whether through the

5677 ownership of voting securities, by contract or through any other direct  
5678 or indirect means. Control shall be presumed to exist if any person,  
5679 directly or indirectly, owns, controls, holds with the power to vote, or  
5680 holds proxies representing, twenty per cent or more of any voting  
5681 securities of another person.

5682 (6) "Person" means any individual, corporation, limited liability  
5683 company, partnership, association, joint stock company, business trust,  
5684 unincorporated organization or other entity.

5685 (7) "Individual with a disability" means an individual (A) having a  
5686 physical impairment that substantially limits one or more of the major  
5687 life activities of the individual or (B) having a record of such an  
5688 impairment.

5689 (8) "Nonprofit corporation" means a nonprofit corporation  
5690 incorporated pursuant to chapter 602 of the general statutes or any  
5691 predecessor statutes thereto.

5692 (b) It is found and determined that there is a serious need to help  
5693 small contractors, minority business enterprises, nonprofit  
5694 organizations and individuals with disabilities to be considered for  
5695 and awarded state contracts for the construction, reconstruction or  
5696 rehabilitation of public buildings, the construction and maintenance of  
5697 highways and the purchase of goods and services. Accordingly, the  
5698 necessity, in the public interest and for the public benefit and good, of  
5699 the provisions of this section, sections 180 to 182, inclusive, and  
5700 sections 32-9i to 32-9p, inclusive, of the general statutes is declared as a  
5701 matter of legislative determination. Notwithstanding any provisions of  
5702 the general statutes to the contrary, and except as set forth herein, the  
5703 head of each state agency and each political subdivision of the state  
5704 other than a municipality shall set aside in each fiscal year, for award  
5705 to small contractors, on the basis of competitive bidding procedures,  
5706 contracts or portions of contracts for the construction, reconstruction or  
5707 rehabilitation of public buildings, the construction and maintenance of  
5708 highways and the purchase of goods and services. Eligibility of



5709 nonprofit corporations under the provisions of this section shall be  
5710 limited to predevelopment contracts awarded by the Commissioner of  
5711 Economic and Community Development for housing projects. The  
5712 total value of such contracts or portions thereof to be set aside by each  
5713 such agency shall be at least twenty-five per cent of the total value of  
5714 all contracts let by the head of such agency in each fiscal year,  
5715 provided that neither: (1) A contract that may not be set aside due to a  
5716 conflict with a federal law or regulation; or (2) a contract for any goods  
5717 or services which have been determined by the Commissioner of  
5718 Administrative Services to be not customarily available from or  
5719 supplied by small contractors shall be included. Contracts or portions  
5720 thereof having a value of not less than twenty-five per cent of the total  
5721 value of all contracts or portions thereof to be set aside shall be  
5722 reserved for awards to minority business enterprises.

5723 (c) The head of any state agency or political subdivision of the state  
5724 other than a municipality may, in lieu of setting aside any contract or  
5725 portions thereof, require any general or trade contractor or any other  
5726 entity authorized by such agency to award contracts, to set aside a  
5727 portion of any contract for subcontractors who are eligible for set-aside  
5728 contracts under this section. Nothing in this subsection shall be  
5729 construed to diminish the total value of contracts which are required to  
5730 be set aside by any state agency or political subdivision of the state  
5731 other than a municipality pursuant to this section.

5732 (d) The heads of all state agencies and of each political subdivision  
5733 of the state other than a municipality shall notify the Commissioner of  
5734 Administrative Services of all contracts to be set aside pursuant to  
5735 subsection (a) or (b) of this section at the time that bid documents for  
5736 such contracts are made available to potential contractors.

5737 (e) The awarding authority shall require that a contractor or  
5738 subcontractor awarded a contract or a portion of a contract under this  
5739 section perform not less than fifteen per cent of the work with the  
5740 workforces of such contractor or subcontractor and shall require that

5741 not less than twenty-five per cent of the work be performed by  
5742 contractors or subcontractors eligible for awards under this section. A  
5743 contractor awarded a contract or a portion of a contract under this  
5744 section shall not subcontract with any person with whom the  
5745 contractor is affiliated. No person who is affiliated with another person  
5746 shall be eligible for awards under this section if both affiliated persons  
5747 considered together would not qualify as a small contractor or a  
5748 minority business enterprise under section 178 of this act. The  
5749 awarding authority shall require that a contractor awarded a contract  
5750 under this section submit, in writing, an explanation of any  
5751 subcontract entered into with any person that is not eligible for awards  
5752 under this section prior to the performance of any work pursuant to  
5753 such subcontract.

5754 (f) The awarding authority may require that a contractor or  
5755 subcontractor awarded a contract or a portion of a contract under this  
5756 section furnish the following documentation: (1) A copy of the  
5757 certificate of incorporation, certificate of limited partnership,  
5758 partnership agreement or other organizational documents of the  
5759 contractor or subcontractor; (2) a copy of federal income tax returns  
5760 filed by the contractor or subcontractor for the previous year; and (3)  
5761 evidence of payment of fair market value for the purchase or lease by  
5762 the contractor or subcontractor of property or equipment from another  
5763 contractor who is not eligible for set-aside contracts under this section.

5764 (g) The awarding authority or the Commissioner of Administrative  
5765 Services or the Commission on Human Rights and Opportunities may  
5766 conduct an audit of the financial, corporate and business records and  
5767 conduct an investigation of any small contractor or minority business  
5768 enterprise which applies for or is awarded a set-aside contract for the  
5769 purpose of determining eligibility for awards or compliance with the  
5770 requirements established under this section.

5771 (h) The provisions of this section shall not apply to any state agency  
5772 or political subdivision of the state other than a municipality for which

5773 the total value of all contracts or portions of contracts of the types  
5774 enumerated in subsection (a) of this section is anticipated to be equal  
5775 to ten thousand dollars or less.

5776 (i) In lieu of a performance, bid, labor and materials or other  
5777 required bond, a contractor or subcontractor awarded a contract under  
5778 this section may provide to the awarding authority, and the awarding  
5779 authority shall accept a letter of credit. Any such letter of credit shall  
5780 be in an amount equal to ten per cent of the contract for any contract  
5781 that is less than one hundred thousand dollars and in an amount equal  
5782 to twenty-five per cent of the contract for any contract that exceeds one  
5783 hundred thousand dollars.

5784 (j) (1) Whenever the awarding agency has reason to believe that any  
5785 contractor or subcontractor awarded a set-aside contract has wilfully  
5786 violated any provision of this section, the awarding agency shall send  
5787 a notice to such contractor or subcontractor by certified mail, return  
5788 receipt requested. Such notice shall include: (A) A reference to the  
5789 provision alleged to be violated; (B) a short and plain statement of the  
5790 matter asserted; (C) the maximum civil penalty that may be imposed  
5791 for such violation; and (D) the time and place for the hearing. Such  
5792 hearing shall be fixed for a date not earlier than fourteen days after the  
5793 notice is mailed. The awarding authority shall send a copy of such  
5794 notice to the Commission on Human Rights and Opportunities.

5795 (2) The awarding agency shall hold a hearing on the violation  
5796 asserted unless such contractor or subcontractor fails to appear. The  
5797 hearing shall be held in accordance with the provisions of chapter 54.  
5798 If, after the hearing, the awarding agency finds that the contractor or  
5799 subcontractor has willfully violated any provision of this section, the  
5800 awarding agency shall suspend all set-aside contract payments to the  
5801 contractor or subcontractor and may, in its discretion, order that a civil  
5802 penalty not exceeding ten thousand dollars per violation be imposed  
5803 on the contractor or subcontractor. If such contractor or subcontractor  
5804 fails to appear for the hearing, the awarding agency may, as the facts

5805 require, order that a civil penalty not exceeding ten thousand dollars  
5806 per violation be imposed on the contractor or subcontractor. The  
5807 awarding agency shall send a copy of any order issued pursuant to  
5808 this subsection by certified mail, return receipt requested, to the  
5809 contractor or subcontractor named in such order. The awarding agency  
5810 may cause proceedings to be instituted by the Attorney General for the  
5811 enforcement of any order imposing a civil penalty issued under this  
5812 subsection.

5813 (k) On or before January 1, 2000, the Commissioner of  
5814 Administrative Services shall establish a process for certification of  
5815 small contractors and minority business enterprises as eligible for set-  
5816 aside contracts. Each certification shall be valid for a period not to  
5817 exceed two years. Any paper application for certification shall be no  
5818 longer than six pages. The Department of Administrative Services shall  
5819 maintain on its website an updated directory of small contractors and  
5820 minority business enterprises certified under this section.

5821 (l) On or before August 30, 2007, and annually thereafter, each state  
5822 agency and each political subdivision of the state other than a  
5823 municipality setting aside contracts or portions of contracts shall  
5824 prepare a report establishing small and minority business set-aside  
5825 program goals for the twelve-month period beginning July first in the  
5826 same year. Each such report shall be submitted to the Commissioner of  
5827 Administrative Services, the Commission on Human Rights and  
5828 Opportunities and the co chairpersons and ranking members of the  
5829 joint standing committees of the General Assembly having cognizance  
5830 of matters relating to planning and development and government  
5831 administration and elections.

5832 (m) On or before November 1, 1995, and quarterly thereafter, each  
5833 state agency and each political subdivision of the state other than a  
5834 municipality setting aside contracts or portions of contracts shall  
5835 prepare a status report on the implementation and results of its small  
5836 business and minority business enterprise set-aside program goals

5837 during the three-month period ending one month before the due date  
5838 for the report. Each report shall be submitted to the Commissioner of  
5839 Administrative Services and the Commission on Human Rights and  
5840 Opportunities. Any state agency or political subdivision of the state,  
5841 other than a municipality, that does not achieve at least fifty percent of  
5842 its small contractor and minority business enterprise set-aside program  
5843 goals by the end of the second reporting period in any twelve-month  
5844 period beginning on July first shall provide a written explanation to  
5845 the Commissioner of Administrative Services and the Commission on  
5846 Human Rights and Opportunities detailing how the agency or political  
5847 subdivision will achieve its goals in the final reporting period. The  
5848 Commission on Human Rights and Opportunities shall: (1) Monitor  
5849 the achievement of the annual goals established by each state agency  
5850 and political subdivision of the state other than a municipality; and (2)  
5851 prepare a quarterly report concerning such goal achievement. The  
5852 report shall be submitted to each state agency that submitted a report,  
5853 the Commissioner of Economic and Community Development, the  
5854 Commissioner of Administrative Services and the co chairpersons and  
5855 ranking members of the joint standing committees of the General  
5856 Assembly having cognizance of matters relating to planning and  
5857 development and government administration and elections. Failure by  
5858 any state agency or political subdivision of the state other than a  
5859 municipality to submit any reports required by this section shall be a  
5860 violation of section 46a-77 of the general statutes.

5861 (n) On or before January 1, 2000, and annually thereafter, the  
5862 Department of Administrative Services shall establish a precertification  
5863 list of small contractors and minority business enterprises who have  
5864 established a principal place of business in the state but have not  
5865 maintained such place of business for one year and are not in the  
5866 directory prepared pursuant to subsection (j) of this section. An  
5867 awarding agency may select a small contractor or minority business  
5868 enterprise from such precertification list only after such awarding  
5869 agency makes a good faith effort to find an eligible small contractor or  
5870 minority business enterprise in the directory and determines that no

5871 small contractor or minority business enterprise is qualified to perform  
5872 the work required under the contract.

5873       Sec. 180. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of  
5874 Administrative Services shall be responsible for the administration of  
5875 the set-aside program. The commissioner shall conduct regular  
5876 training sessions, as the commissioner deems necessary, for state  
5877 agencies to explain the set-aside program and to specify the factors  
5878 that must be addressed in calculating agency goals under the program.  
5879 The commissioner shall conduct informational workshops to inform  
5880 businesses of set-aside opportunities and responsibilities.

5881       (b) The commissioner shall adopt regulations in accordance with the  
5882 provisions of chapter 54 of the general statutes to carry out the  
5883 purposes of sections 178 to 182, inclusive, of this act. Such regulations  
5884 shall include (1) provisions concerning the application of the program  
5885 to individuals with a disability; (2) guidelines for a legally acceptable  
5886 format for, and content of, letters of credit authorized under subsection  
5887 (h) of section 179 of this act; (3) procedures for random site visits to the  
5888 place of business of an applicant for certification at the time of  
5889 application and at subsequent times, as necessary, to ensure the  
5890 integrity of the application process; and (4) time limits for approval or  
5891 disapproval of applications.

5892       (c) On or before January 1, 1994, the Commissioner of  
5893 Administrative Services shall, by regulations adopted in accordance  
5894 with chapter 54, establish a process to ensure that small contractors,  
5895 small businesses and minority business enterprises have fair access to  
5896 all competitive contracts outside of the set-aside program.

5897       Sec. 181. (NEW) (*Effective July 1, 2008*) Nothing in sections 178 to 181  
5898 of this act, inclusive, shall be construed to interfere with the  
5899 responsibilities of the heads of all state agencies to directly negotiate  
5900 and approve all such contracts.

5901       Sec. 182. (NEW) (*Effective July 1, 2008*) A small contractor shall

5902 receive payment on a contract awarded to him under the provisions of  
5903 sections 178 to 181 of this act, inclusive, no later than thirty days from  
5904 the due date of any such payment on such contract.

5905 Sec. 183. (NEW) (*Effective July 1, 2008*) The Commissioner of  
5906 Administrative Services, with the advice of the Commissioner of  
5907 Economic and Community Development, shall adopt regulations, in  
5908 accordance with chapter 54, establishing procedures for the award of  
5909 contracts concerning minority business enterprises by the state or any  
5910 political subdivision of the state other than a municipality.

5911 Sec. 184. (NEW) (*Effective July 1, 2008*) (a) There is established a  
5912 Minority Business Enterprise Review Committee. The committee shall  
5913 consist of two members of the House of Representatives appointed by  
5914 the speaker of the House, two members of the House appointed by the  
5915 minority leader of the House, two members of the Senate appointed by  
5916 the president pro tempore of the Senate, and two members of the  
5917 Senate appointed by the minority leader of the Senate. The committee  
5918 shall conduct an ongoing study of contract awards, loans and bonds  
5919 made or guaranteed by the state or any political subdivision of the  
5920 state other than a municipality for the purpose of determining the  
5921 extent of compliance with the provisions of the general statutes  
5922 concerning contract awards, loans and bonds for minority business  
5923 enterprises, including the set-aside program for such business  
5924 enterprises.

5925 (b) The committee may request any agency of the state authorized to  
5926 award public works contracts or to enter into purchase of goods or  
5927 services contracts to submit such information on compliance with  
5928 sections 175, 178 and 179 of this act and at such times as the committee  
5929 may require. The committee shall consult with the Departments of  
5930 Public Works, Transportation and Economic Development and the  
5931 Commission on Human Rights and Opportunities concerning  
5932 compliance with the state programs for minority business enterprises.  
5933 The committee shall report annually on or before February first to the

5934 Joint Standing Committee on Legislative Management on the results of  
5935 its ongoing study and include its recommendations, if any, for  
5936 legislation.

5937       Sec. 185. (NEW) (*Effective July 1, 2008*) In addition to the provisions  
5938 of section 175 of this act, contractor with fifty or more employees  
5939 awarded a public works contract in excess of fifty thousand dollars in  
5940 any fiscal year, but not subject to the provisions of section 186 of this  
5941 act, shall develop and file with the commission an affirmative action  
5942 plan which shall comply with regulations adopted by said  
5943 commission. Failure to develop an approved affirmative action plan  
5944 pursuant to this section shall act as a bar to bidding on or the award of  
5945 future contracts until such requirement has been met. When the  
5946 commission approves an affirmative action plan pursuant to this  
5947 section, it shall issue a certificate of compliance to the contractor. This  
5948 certificate shall be prima facie proof of the contractor's eligibility to bid  
5949 or be awarded contracts for a period of two years from the date of the  
5950 certificate. Such certificate shall not excuse the contractor from  
5951 monitoring by the commission or from the reporting and record-  
5952 keeping requirements of sections 187 and 188 of this act. The  
5953 commission may revoke the certificate of a contractor if the contractor  
5954 does not implement its affirmative action plan in compliance with this  
5955 section and sections 175, 178, 179 of this act, sections 4a-62, 46a-56 and  
5956 46a-68b of the general statutes, section 186 of this act, and sections 46a-  
5957 68h to 46a-68k, inclusive, of the general statutes.

5958       Sec. 186. (NEW) (*Effective July 1, 2008*) In addition to the provisions  
5959 of section 175 of this act, every public works contract subject to the  
5960 provisions of part II of chapter 60 of the general statutes shall also be  
5961 subject to the provisions of this section. After a bid or proposal has  
5962 been accepted but before a contract is awarded, the successful bidder  
5963 or proposer shall file and have approved by the commission an  
5964 affirmative action plan. The commission may provide for conditional  
5965 acceptance of an affirmative action plan provided written assurances  
5966 are given by the bidder or proposer that it will amend its plan to



5967 conform to affirmative action requirements. The state shall withhold  
5968 two per cent of the total contract price per month from any payment  
5969 made to such contractor until such time as the contractor has  
5970 developed an affirmative action plan, and received the approval of the  
5971 commission. Notwithstanding the provisions of this section, a  
5972 contractor subject to the provisions of this section may file a plan in  
5973 advance of or at the same time as its bid or proposal. The commission  
5974 shall review plans submitted pursuant to this section within sixty days  
5975 of receipt and either approve, approve with conditions or reject such  
5976 plan. When the commission approves an affirmative action plan  
5977 pursuant to this section, it shall issue a certificate of compliance to the  
5978 bidder, proposer or contractor as provided in section 185 of this act.

5979       Sec. 187. (NEW) (*Effective July 1, 2008*) Each contractor shall file, and  
5980 shall cause each of his subcontractors to file, with the commission such  
5981 compliance reports at such times as the commission may direct.  
5982 Compliance reports shall contain such information as to the practices,  
5983 policies, programs and employment policies, employment programs,  
5984 and employment statistics of the contractor and each subcontractor  
5985 and be in such form as the commission may prescribe.

5986       Sec. 188. (NEW) (*Effective July 1, 2008*) Whenever the contractor or  
5987 subcontractor has a collective bargaining agreement or other contract  
5988 or understanding with a labor union or an agency referring workers or  
5989 providing or supervising apprenticeship or training for such workers,  
5990 the compliance report shall include information pertaining to such  
5991 labor union's or agency's practices and policies affecting compliance,  
5992 as the commission may prescribe; provided, to the extent such  
5993 information is within the exclusive possession of a labor union or an  
5994 agency referring workers or providing or supervising apprenticeship  
5995 or training and such labor union or agency refuses to furnish  
5996 information to the contractor, the contractor shall so certify to the  
5997 commission as part of its compliance report and shall set forth what  
5998 efforts have been made to obtain such information.

5999       Sec. 189. (NEW) (*Effective July 1, 2008*) State contracting agencies  
6000 shall not enter into contracts with any bidder, proposer or prospective  
6001 contractor unless the bidder, proposer or prospective contractor has  
6002 satisfactorily complied with the provisions of sections 175 and 185 to  
6003 188, inclusive, of this act and sections 132, 178 and 179 of this act, or  
6004 submits a program for compliance acceptable to the commission.

6005       Sec. 190. (NEW) (*Effective July 1, 2008*) The Commissioner of  
6006 Administrative Services shall promulgate regulations, with the  
6007 approval of the State Contracting Standards Board, governing:

6008       (a) The management of supplies during their entire life cycle;

6009       (b) The sale, lease, or disposal of surplus supplies by public auction,  
6010 competitive sealed bidding, or other appropriate method designated  
6011 by regulation, provided that no employee of the owning or disposing  
6012 agency shall be entitled to purchase any such supplies; and

6013       (c) Transfer of excess supplies.

6014       Sec. 191. (NEW) (*Effective July 1, 2008*) Except as provided in sections  
6015 192 and 193 of this act, the Commissioner of Administrative Services  
6016 shall consider and devise ways and means of establishing and  
6017 maintaining proper control of state property and equipment, including  
6018 vehicles and office equipment; shall require the establishment of  
6019 proper permanent inventory records and the taking of physical  
6020 inventories of both stores and equipment; shall discover unused and  
6021 improperly used or neglected equipment and shall authorize the  
6022 transfer, use or disposal of such equipment.

6023       Sec. 192. (NEW) (*Effective July 1, 2008*) The Office of the Chief Court  
6024 Administrator shall consider and devise ways and means of  
6025 establishing and maintaining proper control of Judicial Department  
6026 property and equipment, including vehicles and office equipment,  
6027 require the establishment of proper permanent inventory records and  
6028 the taking of physical inventories of Judicial Department equipment,

6029 and authorize the transfer, use or disposal of unused and improperly  
6030 used or neglected Judicial Department equipment. For the purposes of  
6031 this subsection, the term "Judicial Department" does not include the  
6032 courts of probate, the Division of Criminal Justice and the Public  
6033 Defender Services Commission, except where they share facilities in  
6034 state-maintained courts.

6035       Sec. 193. (NEW) (*Effective July 1, 2008*) The chief executive officer of  
6036 each constituent unit of the state system of higher education may  
6037 consider and devise ways and means of and The University of  
6038 Connecticut shall be responsible for establishing and maintaining  
6039 proper control of equipment, including all vehicles and office  
6040 equipment of such unit, require the establishment of proper permanent  
6041 inventory records and the taking of physical inventories of the  
6042 equipment of such constituent unit, and may authorize the transfer,  
6043 use or disposal of unused and improperly used or neglected  
6044 equipment of such unit.

6045       Sec. 194. (NEW) (*Effective July 1, 2008*) In July and December of each  
6046 fiscal year the Comptroller shall record upon the records of the  
6047 revolving fund established under section 55 of this act, or adjust the  
6048 records to reflect, as anticipated resources of the fund, such amount as  
6049 the Commissioner of Administrative Services estimates to be the  
6050 requirements of state agencies for the twelve months immediately  
6051 succeeding. The amounts so estimated shall be deemed to be  
6052 appropriated and subject to allotment according to law.

6053       Sec. 195. (NEW) (*Effective July 1, 2008*) Unless otherwise provided by  
6054 law, the Commissioner of Administrative Services shall be  
6055 empowered, pursuant to regulations, to allocate proceeds from the  
6056 sale, lease, or disposal of surplus supplies.

6057       Sec. 196. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of  
6058 Administrative Services shall administer a property distribution  
6059 program for the disposition of usable property that a state agency  
6060 deems surplus to its operating needs. If any such property cannot be

6061 transferred between state agencies and there is not an immediate need  
6062 to remove the property from a state facility, the commissioner shall  
6063 offer the property for sale to municipalities and transit districts. If no  
6064 municipality or transit district purchases the property, the  
6065 commissioner shall offer the property for sale to the public. If the  
6066 commissioner is unable to sell the property to a municipality or transit  
6067 district or the public, the commissioner may donate the property to a  
6068 nonprofit organization. The commissioner may dispose of any  
6069 property that is not transferred, sold or donated. The commissioner  
6070 shall establish a process for notifying municipalities and nonprofit  
6071 organizations of their eligibility to receive surplus property under this  
6072 subsection.

6073 (b) No surplus motor vehicle owned by the state that has been  
6074 declared to be a constructive total loss pursuant to section 38a-353 of  
6075 the general statutes shall be offered for sale at an auction conducted  
6076 under the provisions of subsection (a) of this section to anyone other  
6077 than any person, firm or corporation licensed in accordance with the  
6078 provisions of section 14-52 or 14-67l of the general statutes. No surplus  
6079 motor vehicle owned by the state which has a certificate of title  
6080 stamped "SALVAGE PARTS ONLY" or which has ten or more major  
6081 component parts damaged beyond repair shall be offered for sale at an  
6082 auction conducted under the provisions of subsection (a) of this section  
6083 to anyone other than any person, firm or corporation licensed in  
6084 accordance with the provisions of section 14-67l of the general statutes.

6085 (c) The state may lease to a municipality any personal state property  
6086 that has become obsolete, unserviceable or unusable if the  
6087 Commissioner of Administrative Services determines that:

6088 (1) An emergency situation exists in the municipality that could not  
6089 be reasonably foreseen;

6090 (2) The municipality has no feasible alternative means of obtaining  
6091 such property within a reasonable time; and

6092 (3) The lease would have a minimal fiscal and administrative impact  
6093 on the state. Such lease shall be for not more than three months, unless  
6094 extended for an additional three months by the commissioner.

6095 The municipality shall be solely liable for any damage to, or any  
6096 damage or injury resulting from use of, such property and shall  
6097 indemnify the state against all claims arising out of the use of such  
6098 property.

6099 Sec. 197. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of  
6100 Administrative Services may join with federal agencies, other state  
6101 governments, political subdivisions of this state or nonprofit  
6102 organizations in cooperative purchasing plans when the best interests  
6103 of the state would be served thereby.

6104 (b) The Commissioner of Administrative Services, in conjunction  
6105 with the Department of Environmental Protection and within available  
6106 appropriations, shall make known to the chief executive officer of each  
6107 municipality the existence of cooperative plans for the purchase of  
6108 recycled paper.

6109 Sec. 198. (NEW) (*Effective July 1, 2008*) Connecticut Children's  
6110 Medical Center, The American School at Hartford for the Deaf, The  
6111 Connecticut Institute for the Blind, any other institution or agency  
6112 which receives at least sixty per cent of its funding from the state or  
6113 federal government, or both, and, by contract, any independent college  
6114 or university, as defined in section 10a-37, may each purchase through  
6115 the Commissioner of Administrative Services such supplies, materials,  
6116 equipment or contractual services as such institutions require at the  
6117 cost thereof to the state.

6118 Sec. 199. (NEW) (*Effective July 1, 2008*) Any institution or agency of  
6119 the state of Connecticut, with the approval of the Commissioner of  
6120 Administrative Services, may become a member of a corporation  
6121 established to provide hospital laundry services and supplies on a  
6122 cooperative basis to its members and may, with the approval of the

6123 Commissioner of Administrative Services, enter into a contract or  
6124 contracts with said corporation, including a long-term contract for the  
6125 purchase of laundry services and supplies for the hospital facilities  
6126 operated by said institution or agency. Such contract or contracts shall  
6127 be for such periods and upon such terms and conditions as may be  
6128 mutually determined by such institutions or agencies and the  
6129 corporation.

6130 Sec. 200. (NEW) (*Effective July 1, 2008*) Acquisition of federal  
6131 property. Contracts with federal agencies concerning health services.  
6132 Exemption from statutes or municipal charter. Purchasing from federal  
6133 contractors.

6134 (a) The state, through the Commissioner of Administrative Services,  
6135 or any political subdivision thereof, through the officer or agent legally  
6136 authorized to make purchases on its behalf, may enter into any  
6137 contract with the United States government or any federal agency for  
6138 the purchase, lease or other acquisition of any equipment, supplies,  
6139 materials or other property or for the purchase, sale or exchange of, or  
6140 other cooperation concerning, services related to medicine or health.  
6141 No provision of the statutes or of any municipal charter concerning the  
6142 inviting of competitive bids, public advertising for bids or of  
6143 expenditures, the delivery of purchases before payment, or any other  
6144 provision which may result in disadvantage or loss of opportunity to  
6145 such state agency or subdivision in such transactions with the federal  
6146 government, shall apply to transactions made under the provisions of  
6147 this subsection. Any municipality desiring to enter into any such  
6148 contract may do so only after the acceptance of the applicable  
6149 provisions of this section at a meeting of such municipality warned  
6150 and held for the purpose.

6151 (b) The state, through the Commissioner of Administrative Services  
6152 and pursuant to Public Law 103-355, may purchase equipment,  
6153 supplies, materials or other property from a person who has a contract  
6154 to sell such property to a department, agency or instrumentality of the

6155 United States government, in accordance with the terms and  
6156 conditions of said contract.

6157 Sec. 201. (NEW) (*Effective July 1, 2008*) The Commissioner of  
6158 Administrative Services is designated as the official agency of the state  
6159 to acquire, warehouse and distribute surplus personal property of the  
6160 federal government and to act on behalf of any state agencies or other  
6161 donees eligible for such federal surplus personal property under  
6162 federal legislation or regulations, and is authorized to execute, with the  
6163 approval of the Attorney General, any certification or agreement  
6164 required by the federal government and to take all other action  
6165 necessary or appropriate to cooperate with the federal government in  
6166 carrying out the purpose of any federal act or regulation in connection  
6167 with such surplus personal property. All moneys or other assets  
6168 derived from the sale of property acquired under the provisions of this  
6169 section shall be credited to the revolving fund established by section  
6170 4a-75 of the general statutes and may be expended after allotment in  
6171 accordance with law.

6172 Sec. 202. Subsection (a) of section 1-92a of the general statutes is  
6173 repealed and the following is substituted in lieu thereof (*Effective July*  
6174 *1, 2008*):

6175 (a) The Citizen's Ethics Advisory Board shall adopt regulations, in  
6176 accordance with chapter 54, to carry out the purposes of this part. Such  
6177 regulations shall not be deemed to govern the conduct of any judge  
6178 trial referee in the performance of such judge trial referee's duties  
6179 pursuant to this chapter. Not later than January 1, 1992, the board shall  
6180 adopt regulations which further clarify the meaning of the terms  
6181 "directly and personally received" and "major life event", as used in  
6182 subsection (e) of section 1-79 and subsection (g) of section 1-91. The  
6183 commission shall adopt regulations that further clarify the meaning of  
6184 the term "directly or indirectly involved in any enterprise", as used in  
6185 this act.

6186 Sec. 203. (NEW) (*Effective July 1, 2008*) Each regional council of

6187 governments established under the provisions of sections 4-124i to 4-  
6188 124p, inclusive, of the general statutes is authorized to receive for its  
6189 own use and purposes any funds from any source including the state  
6190 and federal governments and including bequests, gifts and  
6191 contributions made by any individual, corporation or association. Any  
6192 town, city or borough participating in a regional council of  
6193 governments shall annually appropriate funds for the expenses of such  
6194 council in the performance of its purposes. Such funds shall be  
6195 appropriated and paid in accordance with a dues formula established  
6196 by the regional council of governments. Such council may withhold  
6197 any services it deems advisable from any town, city or borough which  
6198 has failed to pay such dues. Within the amount so received, a council  
6199 may engage employees, and contract with professional consultants,  
6200 municipalities, the state and the federal governments, other regional  
6201 councils of governments, regional councils of elected officials, regional  
6202 planning agencies and other intertown, regional or metropolitan  
6203 agencies, or with any one or more of them, and may enter into  
6204 contracts from time to time to carry out its purposes. Any such  
6205 contract shall be approved by action of the regional council of  
6206 governments in a manner prescribed by the council, utilizing best  
6207 procurement practices as may be recommended by the State  
6208 Contracting Standards Board. Any regional council of governments  
6209 may enter into a contract to carry out its purpose with any other  
6210 regional council of governments, any regional council of elected  
6211 officials, established under sections 4-124c to 4-124h, inclusive, of the  
6212 general statutes or any regional planning agency formed under section  
6213 8-31a of the general statutes. The accounts of any regional council of  
6214 governments shall be subject to an annual audit under the provisions  
6215 of chapter 111 of the general statutes and such council shall file an  
6216 annual report with the clerks of its member towns, cities or boroughs,  
6217 with planning commissions, if any, of members, and with the Secretary  
6218 of the Office of Policy and Management, or his designee.

6219       Sec. 204. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of  
6220       Administrative Services shall have the following general duties and



6221 responsibilities:

6222 (1) The establishment of personnel policy and responsibility for the  
6223 personnel administration of state employees;

6224 (2) The purchase and provision of supplies, materials, equipment  
6225 and contractual services, as defined in section 4a-50 of the general  
6226 statutes, subject to the provisions of the general statutes and the  
6227 policies as set forth by the State Contracting Standards Board;

6228 (3) The publishing, printing or purchasing of laws, stationery, forms  
6229 and reports; and

6230 (4) The collection of sums due the state for public assistance.

6231 (b) Subject to the provisions of chapter 67 of the general statutes, the  
6232 Commissioner of Administrative Services may appoint such  
6233 employees as are necessary for carrying out the duties prescribed to  
6234 said commissioner by the general statutes.

6235 Sec. 205. (NEW) (*Effective July 1, 2008*) No state agency shall enter  
6236 into any agreement, whether oral or written, or renew any agreement  
6237 for the leasing of any personal property, except upon approval of the  
6238 Commissioner of Administrative Services and subject to such  
6239 procedures as the State Contracting Standards Board may establish  
6240 respecting the leasing of personal property. The commissioner shall  
6241 cause to be kept a complete record of all personal property leased by  
6242 state agencies, the location of each item of such property and a copy of  
6243 all leasing agreements and renewals thereof.

6244 Sec. 206. (NEW) (*Effective July 1, 2008*) There is created a Capital  
6245 Equipment Purchase Fund. The fund shall be administered by the  
6246 Secretary of the Office of Policy and Management. The fund shall be  
6247 used for the purpose of acquiring, by purchase or by exercise of  
6248 prepayment or purchase options in existing capital leases entered into  
6249 by the state, capital equipment with an anticipated remaining useful  
6250 life of not less than five years from the date of purchase and (1) to the

6251 extent of not more than two million nine hundred thousand dollars,  
6252 payment for projects under subsection (a) of section 4-67f of the  
6253 general statutes, and (2) to the extent of not more than one hundred  
6254 thousand dollars, payment for awards under subsection (b) of said  
6255 section. Notwithstanding the provisions of this section, or any  
6256 regulations adopted under the general statutes, a state agency may  
6257 purchase, in accordance with the applicable provisions of this act,  
6258 necessary data processing equipment that has a unit price of less than  
6259 one thousand dollars from the Capital Equipment Purchase Fund  
6260 authorized under section 4a-10 of the general statutes, provided such  
6261 equipment has a useful life of not less than five years.

6262       Sec. 207. (NEW) (*Effective July 1, 2008*) The Commissioner of  
6263 Administrative Services shall: (1) establish and operate a central  
6264 duplicating and mailing room for state agencies located in or near the  
6265 city of Hartford and such other places as he deems practical; and (2)  
6266 establish and operate or have supervisory control over other central  
6267 supply services in such locations as may best serve the requirements of  
6268 the state agencies.

6269       Sec. 208. (NEW) (*Effective July 1, 2008*) (a) Notwithstanding the  
6270 provisions of section 4a-51 or 4a-52 of the general statutes, the chief  
6271 executive officer of each constituent unit of the state system of higher  
6272 education or, in the case of the Connecticut State University system,  
6273 the chief executive officer of a state university, is authorized to  
6274 purchase supplies, materials, equipment, contractual services, as  
6275 defined in section 4a-50 of the general statutes, execute personal  
6276 service agreements as defined in section 4-212 of the general statutes,  
6277 lease personal property in accordance with section 10a-151b of the  
6278 general statutes, and undertake printing, publishing and microfilming  
6279 for such constituent unit or institution. The provisions of sections 4-212  
6280 to 4-219, inclusive, of the general statutes and section 9 of public act 93-  
6281 336\* shall not apply to personal service agreements executed pursuant  
6282 to this section.

6283 (b) Notwithstanding the provisions of sections 4a-51 and 4a-52 of  
6284 the general statutes, the Commissioner of Administrative Services may  
6285 delegate authority to any state agency to purchase supplies, materials,  
6286 equipment and contractual services, consistent with section 4a-67c of  
6287 the general statutes, if the commissioner determines, in writing, that  
6288 (1) such delegation would reduce state purchasing costs or result in  
6289 more efficient state purchasing, and (2) the agency has employees with  
6290 experience and expertise in state purchasing statutes, regulations and  
6291 procedures. In determining which agencies to delegate such  
6292 purchasing authority to, the commissioner shall give preference to  
6293 agencies which have exceeded the set-aside requirements of section 4a-  
6294 60g. An agency to whom such authority is delegated shall comply with  
6295 all such statutes, regulations and procedures and shall submit annual  
6296 reports to the Commissioner of Administrative Services on its  
6297 purchase orders, in a format prescribed by the commissioner. The  
6298 Commissioner of Administrative Services or his designee shall  
6299 periodically review each such delegation of purchasing authority and  
6300 may revoke or modify a delegation upon determining that the agency  
6301 has violated any provision of the delegation or that there is evidence of  
6302 insufficient competition in the competitive bidding or competitive  
6303 negotiation process. Not later than October 1, 1996, and annually  
6304 thereafter, the commissioner shall submit a report to the joint standing  
6305 committee of the General Assembly having cognizance of matters  
6306 relating to government administration, which shall, for the preceding  
6307 fiscal year, (A) list the agencies exercising delegated purchasing  
6308 authority and (B) summarize the types of contracts entered into by  
6309 such agencies pursuant to such delegated authority and the  
6310 purchasing efficiencies realized from the delegated authority.

6311 Sec. 209. (NEW) (*Effective July 1, 2008*) Reserved section.

6312 Sec. 210. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of  
6313 Public Works shall (1) be responsible for the administrative functions  
6314 of construction and planning of all capital improvements undertaken  
6315 by the state, except (A) highway and bridge construction, the

6316 construction and planning of capital improvements related to mass  
6317 transit, marine and aviation transportation, (B) the Connecticut  
6318 Marketing Authority, (C) planning and construction of capital  
6319 improvements to the State Capitol building or the Legislative Office  
6320 Building and related facilities by the Joint Committee on Legislative  
6321 Management, (D) any project as defined in subdivision (16) of section  
6322 10a-109c, undertaken by The University of Connecticut, and (E)  
6323 construction and planning of capital improvements related to the  
6324 Judicial Department if such construction and planning do not  
6325 constitute a project within the meaning of subsection (g) of section 4b-  
6326 55, including the preparation of preliminary plans, estimates of cost,  
6327 development of designs, working plans and specifications, award of  
6328 contracts and supervision and inspection. For the purposes of this  
6329 subparagraph (E), the term "Judicial Department" does not include the  
6330 courts of probate, the Division of Criminal Justice and the Public  
6331 Defender Services Commission, except where such agencies share  
6332 facilities in state-maintained courts; (2) select consultant firms as set  
6333 forth in section \_\_ of this act; (3) render technical advice and service to  
6334 all state agencies in the preparation and correlation of plans for  
6335 necessary improvement of their physical plants; (4) cooperate with  
6336 those charged with fiscal programming and budget formulation in the  
6337 development of a capital program and a capital budget for the state; (5)  
6338 be responsible for the purchase, sale, lease, sublease and acquisition of  
6339 property and space to house state agencies as set forth in section \_\_ of  
6340 this act; (6) supervise the care and control of buildings and grounds  
6341 owned or leased by the state in Hartford, except the building and  
6342 grounds of the State Capitol and the Legislative Office Building and  
6343 parking garage and related structures and facilities and grounds, as  
6344 provided in section 2-71h, and the Connecticut Marketing Authority  
6345 and property under the supervision of the Office of the Chief Court  
6346 Administrator under the terms of section 4b-11; and (7) be responsible  
6347 for the administrative functions of establishing and maintaining  
6348 security standards for all facilities housing the offices and equipment  
6349 of the state except (A) Department of Transportation mass transit,

6350 marine and aviation facilities, (B) the State Capitol and the Legislative  
 6351 Office Building and related facilities, (C) facilities under the care and  
 6352 control of The University of Connecticut or other constituent units of  
 6353 the state system of higher education, (D) Judicial Department facilities,  
 6354 (E) Department of Public Safety facilities, (F) Military Department  
 6355 facilities, (G) Department of Correction facilities, (H) Department of  
 6356 Children and Families client-occupied facilities, (I) facilities occupied  
 6357 by the Governor, Lieutenant Governor, Attorney General,  
 6358 Comptroller, Secretary of the State and Treasurer, and (J) facilities  
 6359 occupied by the Board of Pardons and Paroles. As used in this  
 6360 subdivision, "security" has the meaning assigned to it in section 4b-130  
 6361 of the general statutes. Subject to the provisions of chapter 67 of the  
 6362 general statutes, said commissioner may appoint such employees as  
 6363 are necessary for carrying out the duties prescribed to said  
 6364 commissioner by the general statutes.

6365 (b) Notwithstanding any other provision of the general statutes,  
 6366 except for the property of The University of Connecticut, the  
 6367 commissioner may supervise the care and control of (1) any state-  
 6368 owned or leased office building, and related buildings and grounds,  
 6369 outside the city of Hartford, used as district offices, except any state-  
 6370 owned or leased office building, and related buildings and grounds,  
 6371 used by the Judicial Department, and (2) any other state-owned or  
 6372 leased property, on a temporary or permanent basis, if the  
 6373 commissioner, the Secretary of the Office of Policy and Management  
 6374 and the executive head of the department or agency supervising the  
 6375 care and control of such property agree, in writing, to such  
 6376 supervision.

6377 Sec. 211. (NEW) (*Effective July 1, 2008*) (a) As used in this section,  
 6378 "facility" means buildings and real property owned or leased by the  
 6379 state. The Secretary of the Office of Policy and Management shall  
 6380 establish guidelines which further define such term. All agencies and  
 6381 departments of the state shall notify the Secretary of the Office of  
 6382 Policy and Management of their facility needs including, but not

6383 limited to, the types of such facilities and the municipalities or general  
6384 location for the facilities. Each agency and department shall continue  
6385 long-range planning for facility needs, establish a plan for its long-  
6386 range facility needs and submit such plan and related facility project  
6387 requests to the Secretary of the Office of Policy and Management, and  
6388 a copy thereof to the Commissioner of Public Works, on or before  
6389 September first of each even-numbered year. Each such request shall  
6390 be accompanied by a capital development impact statement, as  
6391 required by section 4-66b of the general statutes, and a collocation  
6392 statement, as required by section 4b-31 of the general statutes, if the  
6393 secretary so requires. Each agency and department shall base its long-  
6394 term planning for facility needs on a program plan. The secretary shall  
6395 establish a content guide and schedule for such plans. Each agency and  
6396 department shall prepare its program plan in accordance with such  
6397 guide and file it with the secretary pursuant to such schedule. Facility  
6398 plans shall include, but not be limited to: Identification of (1) long-term  
6399 and short-term facility needs, (2) opportunities for the substitution of  
6400 state-owned space for leased space, (3) facilities proposed for  
6401 demolition or abandonment which have potential for other uses and  
6402 (4) space modifications or relocations that could result in cost or  
6403 energy savings. Each agency or department program plan and facility  
6404 plan and its facility project requests shall cover a period of at least five  
6405 years. The secretary shall provide agencies and departments with  
6406 instructions for preparing program plans, long-term facility plans and  
6407 facility project requests and shall provide appropriate programmatic  
6408 planning assistance. The Commissioner of Public Works shall assist  
6409 agencies and departments with long-term facilities planning and the  
6410 preparation of cost estimates for such plans and requests. The  
6411 Secretary of the Office of Policy and Management shall review such  
6412 plans and prepare an integrated state facility plan which meets the  
6413 aggregate facility needs of the state. The secretary shall review the cost  
6414 effective retrofit measures recommended to him by the Commissioner  
6415 of Public Works under subsection (b) of section 16a-38a of the general  
6416 statutes and include in the plan those measures which would best

6417 attain the energy performance standards established under  
6418 subdivision (1) of subsection (b) of section 16a-38 of the general  
6419 statutes.

6420 (b) On or before December first of each even-numbered year, the  
6421 Commissioner of Public Works shall provide the Secretary of the  
6422 Office of Policy and Management with a review of the plans and  
6423 requests submitted pursuant to subsection (a) of this section for  
6424 consistency with realistic cost factors, space requirements, space  
6425 standards, implementation schedules, priority needs, objectives of the  
6426 Commissioner of Public Works in carrying out his responsibilities  
6427 under section 4b-30 of the general statutes and the need for the  
6428 maintenance, improvement and replacement of state facilities.

6429 (c) The Secretary of the Office of Policy and Management shall  
6430 present a proposed state facility plan to the Properties Review Board  
6431 on or before February fifteenth of each odd-numbered year. Such plan  
6432 shall be known as the recommended state facility plan and shall  
6433 include all leases and capital projects and a statement of the degree to  
6434 which it promotes the collocation goals addressed in subsection (e) of  
6435 section 4b-31 of the general statutes. The secretary shall establish  
6436 guidelines defining "capital projects". The Properties Review Board  
6437 shall submit its recommendations to the secretary on or before March  
6438 first of each odd-numbered year. The Properties Review Board  
6439 recommendations shall address the goals described in subsection (e) of  
6440 section 4b-31 of the general statutes. The secretary shall present the  
6441 recommended state facility plan to the General Assembly on or before  
6442 March fifteenth of each odd-numbered year.

6443 (d) Upon the approval by the General Assembly of the operating  
6444 and capital budget appropriations, the Secretary of the Office of Policy  
6445 and Management shall update and modify the recommended state  
6446 facility plan, which shall then be known as the state facility plan. The  
6447 state facility plan shall be used as an advisory document for the leasing  
6448 of property for use by state agencies and departments and for related

6449 capital projects.

6450 (e) Implementation of the state facility plan shall be the  
6451 responsibility of the Commissioner of Public Works. He shall conduct  
6452 a study of each proposed facility in the plan to determine: (1) The  
6453 method of choice for satisfying each such facility need, (2) the  
6454 geographical areas best suited to such need, (3) the feasibility and cost  
6455 of such acquisition using a life-cycle cost analysis as established by  
6456 subdivision (2) of subsection (b) of section 16a-38 of the general  
6457 statutes, (4) the degree to which the plan promotes the goals addressed  
6458 in subsection (e) of section 4b-31 of the general statutes, and (5) any  
6459 other relevant factors. Said commissioner shall review and approve  
6460 each facility plan implementation action and shall submit to the  
6461 Properties Review Board a list of each such action approved and the  
6462 method and plan, including, but not limited to the plan for  
6463 procurement in accordance with this act, by which it shall be  
6464 accomplished. Said commissioner shall endeavor to locate human  
6465 services agencies in the same buildings as municipal and private  
6466 agencies that provide human services. The results of said  
6467 commissioner's study along with all supportive materials shall be  
6468 immediately sent to the Properties Review Board. The board shall meet  
6469 to review the decision of the commissioner and may request the  
6470 commissioner or any member of his department, and the head of the  
6471 requesting agency or any of his employees to appear for the purpose of  
6472 supplying pertinent information. Said board shall call a meeting within  
6473 two weeks of the receipt of the commissioner's decision, and may meet  
6474 as often as necessary, to review said decision. The board, within ninety  
6475 days after the receipt of the decision of the Commissioner of Public  
6476 Works, shall either accept, reject or request modification of such  
6477 decision, except that when more time is required, the board may have  
6478 a ninety-day extension of time, provided the board shall advise the  
6479 Commissioner of Public Works in writing as to the reasons for such  
6480 extension of time. If such decision is disapproved by the board, it shall  
6481 so inform the commissioner along with its reasons therefor, and the  
6482 commissioner shall inform the head of the requesting agency and the



6483 Secretary of the Office of Policy and Management that its request has  
6484 been rejected. If such decision is approved by the board it shall inform  
6485 the commissioner of such approval and the commissioner shall  
6486 immediately communicate his decision to the head or acting head of  
6487 such governmental unit and to the Secretary of the Office of Policy and  
6488 Management and shall set forth the procedures to be taken to  
6489 accomplish the results of such decision. The decision to make public  
6490 such decision shall rest solely with the commissioner both as to time  
6491 and manner of disclosure, but in no event shall such period exceed one  
6492 year. The commissioner shall, when he deems it to be in the public  
6493 interest, authorize the disclosure of such information; however, in the  
6494 absence of such authorization, any unauthorized disclosure shall be  
6495 subject to the criminal provisions of section 4b-27 of the general  
6496 statutes. All decisions made by the commissioner under the provisions  
6497 of this section shall require review by the board. Except as otherwise  
6498 hereinafter provided, the approval or disapproval of the Properties  
6499 Review Board shall be binding on the commissioner and the  
6500 requesting agency with regard to the acquisition of any real estate by  
6501 lease or otherwise, notwithstanding any other statute or special act to  
6502 the contrary. A majority vote of the board shall be required to accept or  
6503 reject a decision of the commissioner.

6504 (f) Within forty-five days from the date of the board's decision  
6505 regarding the request of a governmental unit, the head or acting head  
6506 of such unit shall notify the commissioner (1) that it accepts his  
6507 decision, (2) that it rejects his decision and withdraws its request, or (3)  
6508 that it does not approve such decision and requests that all or part of  
6509 such decision be modified by the commissioner. When such  
6510 modification is requested, the commissioner shall, within three weeks  
6511 from receipt of such request, consider and act upon such request for  
6512 modification and submit his decision to the Properties Review Board.  
6513 If the commissioner and the board fail to agree to such modification in  
6514 whole or in part, the governmental unit may, within ten days from the  
6515 date of notification of such final decision, accept the commissioner's  
6516 final decision, reject such decision and withdraw its request, or appeal

6517 to the Governor. Upon such appeal, the commissioner shall submit a  
6518 report to the Governor stating the board's conclusions and supporting  
6519 material therefor and the governmental agency shall submit a report to  
6520 the Governor stating its objections to such decision and its supporting  
6521 material therefor. The Governor shall, within thirty days of the receipt  
6522 of such reports, make a decision which shall be binding on the parties  
6523 involved. In the absence of any such appeal or withdrawal of request,  
6524 the decision of the commissioner and the board shall be final and  
6525 binding upon the governmental unit.

6526 (g) After final action is taken approving any request or modification  
6527 thereof, condemnation procedures shall continue to be prosecuted in  
6528 the same manner as they were on July 1, 1975, by the agency involved,  
6529 where such procedures are applicable and authorized by statute.

6530 (h) Approval by the Properties Review Board shall not be required  
6531 prior to State Bond Commission authorization of funds (1) for  
6532 planning costs and other preliminary expenses for any construction or  
6533 acquisition project, or (2) for any construction or acquisition project for  
6534 which an architect was selected prior to July 1, 1975.

6535 (i) As used in this subsection, (1) "project" means any state program,  
6536 except the downtown Hartford higher education center project, as  
6537 defined in subsection (l) of section 4b-55 of the general statutes,  
6538 requiring consultant services if (A) the cost of such services is  
6539 estimated to exceed fifty thousand dollars or, in the case of a  
6540 constituent unit of the state system of higher education, the cost of  
6541 such services is estimated to exceed three hundred thousand dollars,  
6542 or (B) (i) the construction costs in connection with such program are  
6543 estimated to exceed five hundred thousand dollars or, in the case of a  
6544 constituent unit of the state system of higher education, other than The  
6545 University of Connecticut, the construction costs in connection with  
6546 such program are estimated to exceed two million dollars, and (ii) the  
6547 cost of a consultant services contract for such program exceeds twenty  
6548 thousand dollars or the cost of an amendment to a consultant services

6549 contract makes the total cost of the amendment, all previous  
6550 amendments to such contract and the contract exceed twenty thousand  
6551 dollars for the first time; (2) "consultant" means "consultant" as defined  
6552 in section 4b-55 of the general statutes; and (3) "consultant services"  
6553 means "consultant services" as defined in section 4b-55 of the general  
6554 statutes. Any consultant selected by the commissioner, and any  
6555 contracts entered into by the commissioner with any consultants for  
6556 employment, on any project under the provisions of this section, shall  
6557 be subject to the approval of the Properties Review Board prior to the  
6558 employment of said consultant or consultants by the commissioner.  
6559 The Properties Review Board shall, within thirty days, approve or  
6560 disapprove the selection of or contract with any consultant made by  
6561 the Commissioner of Public Works pursuant to sections 4b-1 and 4b-55  
6562 to 4b-59, inclusive, of the general statutes. The Chief Procurement  
6563 Officer shall be assigned to advise the Properties Review Board with  
6564 respect to the applicability of the provisions of this act. If upon the  
6565 expiration of the thirty-day period a decision has not been made, the  
6566 Properties Review Board shall be deemed to have approved such  
6567 selection or contract.

6568 (j) The Properties Review Board shall, within thirty days, approve or  
6569 disapprove the proposed acquisition by lease of any residential  
6570 property by the Commissioner of Mental Retardation pursuant to  
6571 subsection (d) of section 4b-3 of the general statutes. If upon the  
6572 expiration of such thirty-day period a decision has not been made, the  
6573 Properties Review Board shall be deemed to have approved such lease.

6574 (k) Any agency or department of state government requiring  
6575 additional facilities not included in the state facility plan may submit a  
6576 request to the Secretary of the Office of Policy and Management  
6577 outlining the justification for its request. The agency or department  
6578 shall also provide (1) in the case of a request not previously submitted  
6579 to the secretary pursuant to subsection (a) of this section, the reasons  
6580 why it was not so submitted, and (2) in the case of a request so  
6581 submitted, sufficient new information to warrant reconsideration. Such

6582 request shall include a statement of the degree to which the proposed  
6583 state facility plan promotes the goals addressed in subsection (e) of  
6584 section 4b-31 of the general statutes, if the secretary so requires. Such  
6585 request shall also be accompanied by a capital development impact  
6586 statement as required under section 4-66b of the general statutes, if the  
6587 secretary so requires. Subsections (b) to (d), inclusive, of this section  
6588 shall not apply to the review of such requests. Any such request for  
6589 additional facilities which are determined by the Secretary of the Office  
6590 of Policy and Management to be of emergency nature or the lack of  
6591 which may seriously hinder the efficient operation of the state, may be  
6592 approved by the Properties Review Board and the Secretary of the  
6593 Office of Policy and Management and shall be known as an approval  
6594 made during the interim between state facility plans. No action may be  
6595 taken by the state to lease or construct such additional facilities unless  
6596 the secretary makes such a determination.

6597 (l) The Commissioner of Public Works shall monitor the amount of  
6598 leased space being requested and the costs of all proposed and  
6599 approved facility project actions and shall advise the Secretary of the  
6600 Office of Policy and Management and the Governor when the space to  
6601 be leased or the forecast costs to complete the project exceed the square  
6602 footage amount or the cost levels in the approved state facility plan by  
6603 ten per cent or more. Approval of the Secretary of the Office of Policy  
6604 and Management, the Properties Review Board, the State Bond  
6605 Commission and the Governor shall be required to continue the  
6606 project.

6607 (m) (1) Plans to construct, renovate or modify state-owned or  
6608 occupied buildings shall provide for a portion of the total planned  
6609 floor area of newly constructed state buildings or buildings  
6610 constructed specifically for use by the state to be served by renewable  
6611 sources of energy, including solar, wind, water and biomass sources,  
6612 for use in space heating and cooling, domestic hot water and other  
6613 applications. For the plan due December 1, 1979, the portion to be  
6614 served by renewable energy sources shall be not less than five per cent

6615 of total planned new floor area. For each succeeding state facilities  
6616 plan submitted after December 1, 1979, the portion of the total planned  
6617 floor area of any additional newly constructed state buildings or  
6618 buildings constructed specifically for use by the state to be served by  
6619 renewable energy sources shall be increased by at least five per cent  
6620 per year until a goal of fifty per cent of total planned floor area of any  
6621 additional newly constructed state buildings or buildings constructed  
6622 specifically for use by the state is reached. For any facility served by  
6623 renewable energy sources in accordance with this subsection, not less  
6624 than thirty per cent of the total energy requirements of any specific  
6625 energy application, including, but not limited to, space heating or  
6626 cooling and providing domestic hot water, shall be provided by  
6627 renewable energy sources. The installation in newly constructed state  
6628 buildings or buildings constructed specifically for use by the state of  
6629 systems using renewable energy sources in accordance with this  
6630 subsection, shall be subject to the life-cycle cost analysis provided for  
6631 in section 16a-38 of the general statutes. (2) The state shall fulfill the  
6632 obligations imposed by subdivision (1) of this section unless such  
6633 action would cause an undue economic hardship to the state.

6634 (n) The recommended state facility plan shall include policies for:

6635 (1) The encouragement of the acquisition, transfer and utilization of  
6636 space in suitable buildings of historic, architectural or cultural  
6637 significance, unless use of such space would not prove feasible and  
6638 prudent compared with available alternatives;

6639 (2) The encouragement of the location of commercial, cultural,  
6640 educational and recreational facilities and activities within public  
6641 buildings;

6642 (3) The provision and maintenance of space, facilities and activities  
6643 to the extent practicable, which encourage public access to and  
6644 stimulate public pedestrian traffic around, into and through public  
6645 buildings, permitting cooperative improvements to and uses of the  
6646 areas between the building and the street, so that such activities

6647 complement and supplement commercial, cultural, educational and  
6648 recreational resources in the neighborhood of public buildings;

6649 (4) The encouragement of the public use of public buildings for  
6650 cultural, educational and recreational activities;

6651 (5) The encouragement of the ownership or leasing of modern  
6652 buildings to replace obsolete facilities, achieve cost and energy  
6653 efficiencies, maximize delivery of services to the public, preserve  
6654 existing infrastructure and provide a comfortable and space-efficient  
6655 work environment;

6656 (6) The encouragement of the establishment of child day care  
6657 facilities and child development centers including provisions for (A)  
6658 full-day and year-round programs for children of working parents, (B)  
6659 opportunities for parents to choose among accredited public or private  
6660 programs, (C) open enrollment for children in child day care and  
6661 school readiness programs, and (D) incentives for the collocation and  
6662 service integration of child day care programs and school readiness  
6663 programs pursuant to section 4b-31; and

6664 (7) The utilization of competitive procurement practices as set forth  
6665 in this Act.

6666 (o) Not later than January 1, 1988, the Commissioner of Public  
6667 Works shall adopt regulations, in consultation with the Secretary of the  
6668 Office of Policy and Management and the State Properties Review  
6669 Board, and in accordance with the provisions of chapter 54, setting  
6670 forth the procedures which the Department of Public Works and such  
6671 office and board shall follow in carrying out their responsibilities  
6672 concerning state leasing of offices, space or other facilities. Such  
6673 regulations shall specify, for each step in the leasing process at which  
6674 an approval is needed in order to proceed to the next step, what  
6675 information shall be required, who shall provide the information and  
6676 the criteria for granting the approval. Notwithstanding any other  
6677 provision of the general statutes, such regulations shall provide that:

6678 (1) The Commissioner of Public Works shall (A) review all lease  
6679 requests included in, and scheduled to begin during, the first year of  
6680 each approved state-wide facility and capital plan and (B) provide the  
6681 Secretary of the Office of Policy and Management with an estimate of  
6682 the gross cost and total square footage need for each lease, (2) the  
6683 secretary shall approve a gross cost and a total square footage for each  
6684 such lease and transmit each decision to the requesting agency, the  
6685 commissioner and the State Properties Review Board, (3) the  
6686 commissioner shall submit to the secretary, for approval, only  
6687 negotiated lease requests which exceed such approved cost, or which  
6688 exceed such approved square footage by at least ten per cent, and (4)  
6689 the secretary shall approve or disapprove any such lease request not  
6690 more than ten working days after he receives the request. If the  
6691 secretary fails to act on the request during such period, the request  
6692 shall be deemed to have been approved and shall be forwarded to the  
6693 board.

6694 Sec. 212. (NEW) (*Effective July 1, 2008*) (a) There is established the  
6695 Department of Information Technology. The Department of  
6696 Information Technology shall be administered by a Chief Information  
6697 Officer, who shall be an individual knowledgeable with respect to  
6698 information and telecommunication systems. The Chief Information  
6699 Officer shall be appointed by the Governor in accordance with the  
6700 provisions of sections 4-5 to 4-8, inclusive, of the general statutes with  
6701 the powers and duties prescribed in said sections.

6702 (b) The Department of Information Technology shall constitute a  
6703 successor department to the Office of Information and Technology, in  
6704 accordance with the provisions of sections 4-38d, 4-38e and 4-39 of the  
6705 general statutes.

6706 (c) The Chief Information Officer shall: (1) Develop and implement  
6707 an integrated set of policies and architecture pertaining to information  
6708 and telecommunication systems for state agencies; (2) develop a series  
6709 of comprehensive standards and planning guidelines pertaining to the

6710 development, acquisition, implementation, and oversight and  
6711 management of information and telecommunication systems for state  
6712 agencies; (3) identify and implement (A) optimal information and  
6713 telecommunication systems to efficiently service the needs of state  
6714 agencies and (B) opportunities for reducing costs for such systems; (4)  
6715 approve or disapprove each proposed state agency acquisition of  
6716 hardware or software for an information or telecommunication system,  
6717 except for (A) hardware or software having a cost of less than twenty  
6718 thousand dollars or (B) hardware or software having a cost of twenty  
6719 thousand dollars or more, but less than one hundred thousand dollars,  
6720 which is for a project that complies with the agency's business systems  
6721 plan as approved by the Chief Information Officer, as set forth in  
6722 section \_\_ of this act; (5) approve or disapprove all state agency  
6723 requests or proposed contracts for consultants for information and  
6724 telecommunication systems, as set forth in section \_\_ of this act; (6) be  
6725 responsible for purchasing, leasing and contracting for all information  
6726 system and telecommunication system facilities, equipment and  
6727 services for state agencies, in accordance with the provisions of section  
6728 \_\_ of this act, except for the offices of the Governor, Lieutenant  
6729 Governor, Treasurer, Attorney General, Secretary of the State and  
6730 Comptroller; (7) review existing and new information and  
6731 telecommunication system technologies to ensure consistency with the  
6732 strategic plan established under section 4d-7 of the general statutes  
6733 and approved state agency architecture and make recommendations to  
6734 the Standardization Committee established under section 4a-58 of the  
6735 general statutes for review and appropriate action; (8) cooperate with  
6736 the General Assembly, the Judicial Department and the constituent  
6737 units of the state system of higher education in assessing opportunities  
6738 for cost savings and greater sharing of information resources which  
6739 could result if such entities acquire information and  
6740 telecommunication systems similar to those of state agencies; and (9)  
6741 ensure state-wide implementation of the 9-1-1 and E 9-1-1 systems.

6742 (d) The Department of Information Technology shall approve or  
6743 disapprove a state agency request or proposed contract under



6744 subdivision (4) or (5) of subsection (c) of this section no later than  
6745 seven business days after receipt of the request or proposed contract  
6746 and any necessary supporting information. If the Department of  
6747 Information Technology does not approve or disapprove the request  
6748 or proposed contract by the end of such seven-day period, the request  
6749 or proposed contract shall be deemed to have been approved. The  
6750 provisions of said subdivision (5) shall not apply to telecommunication  
6751 consultants retained by the Department of Public Utility Control or the  
6752 Office of Consumer Counsel in connection with telecommunication  
6753 proceedings of said department.

6754 Sec. 213. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of  
6755 Transportation may purchase or take and, in the name of the state,  
6756 may acquire title in fee simple to, or any lesser estate, interest or right  
6757 in, any land, buildings, equipment or facilities which the commissioner  
6758 finds necessary for the operation or improvement of transportation  
6759 services. The determination by the commissioner that such purchase or  
6760 taking is necessary shall be conclusive. Such taking shall be in the  
6761 manner prescribed in subsection (b) of section 13a-73 of the general  
6762 statutes for the taking of land for state highways.

6763 (b) The commissioner may sell, lease, convey or enter into any other  
6764 arrangement for the use of such property for the operation of  
6765 transportation services, or for such other purposes as the  
6766 commissioner determines to be consistent with the best interests of the  
6767 state and in accordance with the provisions of this act.

6768 (c) Any company or corporation which conducts or has conducted  
6769 rail operations in the state shall not, except as provided for in this  
6770 subsection, sell, lease, transfer or otherwise dispose of any railroad  
6771 properties and related facilities within the state that are abandoned,  
6772 inactive or currently being used for railroad purposes to any party,  
6773 without first offering such properties and facilities for sale to the  
6774 Commissioner of Transportation. This provision shall not apply to any  
6775 rail related facility that is to be replaced as a result of a rehabilitation

6776 program or emergency or routine maintenance programs. Such offer  
6777 shall be made in writing and shall be sent by certified mail to the  
6778 Commissioner of Transportation. Such offer shall include a map and  
6779 description of the subject properties or facilities, the price, if available,  
6780 for such properties or facilities, a description of the present or past  
6781 railroad use of the subject property or facilities, and any other terms or  
6782 conditions said company or corporation proposes to include as part of  
6783 such sale. The commissioner, upon receipt of such offer, shall within  
6784 forty-five days notify said company or corporation, in writing by  
6785 certified mail, whether he is interested in acquiring the subject  
6786 properties or facilities. Within one hundred thirty-five days of such  
6787 written notice, the commissioner shall notify said company or  
6788 corporation in writing by certified mail either that he has made an  
6789 express finding in accordance with section 13b-35 of the general  
6790 statutes and shall acquire such properties or facilities or that he shall  
6791 not accept such offer and shall not acquire such properties or facilities.  
6792 In no event shall said company or corporation offer to sell any railroad  
6793 properties or related facilities which were the subject of negotiations  
6794 between the commissioner and said company or corporation to any  
6795 other party on terms more favorable to said party than the final terms  
6796 offered to the commissioner during negotiations. Nothing in this  
6797 section shall be construed to prevent a railroad company from  
6798 transferring rail facilities within its own system or from selling, leasing  
6799 or transferring or otherwise disposing of railroad properties or related  
6800 facilities currently in use to another party provided that in no event  
6801 shall the sale, lease, transfer or other disposition of such properties or  
6802 facilities result in the discontinuance of existing rail service in the state.  
6803 For the purposes of this section, the terms railroad properties and  
6804 related facilities shall mean all the land, structures, buildings, rails,  
6805 ties, ballast, signals and materials that have been or are used for rail  
6806 transportation purposes and that are located either within the right-of-  
6807 way as defined by railroad valuation maps or other suitable maps or  
6808 abutting such right-of-way.

6809 Sec. 214. (NEW) (*Effective July 1, 2008*) The Commissioner of

6810 Transportation may, on behalf of the state, acquire, own, construct,  
6811 maintain or operate, upon, at or near the seaboard or any navigable  
6812 waterway, land, or any harbor, wharf, dock, pier, quay, canal, slip or  
6813 basin, or any appropriate harbor facility, shed, warehouse of any kind,  
6814 vault, railroad track, yard, terminal or equipment, or such other facility  
6815 related to the transportation of goods or people by water as he deems  
6816 necessary to the fulfillment of the purposes of this chapter and in  
6817 accordance with the provisions of this act. The commissioner may  
6818 make any such facility available for use by any person and in any  
6819 manner, as he deems appropriate, in order to promote the efficient  
6820 interchange of traffic between modes of transportation by water, and  
6821 modes of transportation other than by water, including but not limited  
6822 to transportation by rail, air and land.

6823 Sec. 215. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of  
6824 Social Services shall administer all law under the jurisdiction of the  
6825 Department of Social Services. The commissioner shall have the power  
6826 and duty to do the following:

6827 (1) Administer, coordinate and direct the operation of the  
6828 department;

6829 (2) Adopt and enforce such regulations, in accordance with chapter  
6830 54 of the general statutes, as are necessary to implement the purposes  
6831 of the department as established by statute;

6832 (3) Establish rules for the internal operation and administration of  
6833 the department;

6834 (4) Establish and develop programs and administer services to  
6835 achieve the purposes of the department as established by statute;

6836 (5) Contract for facilities, services and programs to implement the  
6837 purposes of the department as established by statute and in  
6838 accordance with this act and the policies of the State Contracting  
6839 Standards Board;

- 6840       (6) Process applications and requests for services promptly;
- 6841       (7) With the approval of the Comptroller and in accordance with  
6842 such procedures as may be specified by the Comptroller, make  
6843 payments to providers of services for individuals who are eligible for  
6844 benefits from the department as appropriate;
- 6845       (8) Make no duplicate awards for items of assistance once granted,  
6846 except for replacement of lost or stolen checks on which payment has  
6847 been stopped;
- 6848       (9) Promote economic self-sufficiency where appropriate in the  
6849 department's programs, policies, practices and staff interactions with  
6850 recipients;
- 6851       (10) Act as advocate for the need of more comprehensive and  
6852 coordinated programs for persons served by the department;
- 6853       (11) Plan services and programs for persons served by the  
6854 department;
- 6855       (12) Coordinate outreach activities by public and private agencies  
6856 assisting persons served by the department;
- 6857       (13) Consult and cooperate with area and private planning agencies;
- 6858       (14) Advise and inform municipal officials and officials of social  
6859 service agencies about social service programs and collect and  
6860 disseminate information pertaining thereto, including information  
6861 about federal, state, municipal and private assistance programs and  
6862 services;
- 6863       (15) Encourage and facilitate effective communication and  
6864 coordination among federal, state, municipal and private agencies;
- 6865       (16) Inquire into the utilization of state and federal government  
6866 resources which offer solutions to problems of the delivery of social  
6867 services;

6868       (17) Conduct, encourage and maintain research and studies relating  
6869       to social services development;

6870       (18) Prepare, review and encourage model comprehensive social  
6871       service programs;

6872       (19) Maintain an inventory of data and information and act as a  
6873       clearing house and referral agency for information on state and federal  
6874       programs and services; and

6875       (20) Conduct, encourage and maintain research and studies and  
6876       advise municipal officials and officials of social service agencies about  
6877       forms of intergovernmental cooperation and coordination between  
6878       public and private agencies designed to advance social service  
6879       programs.

6880       (b) The commissioner may require notice of the submission of all  
6881       applications by municipalities, any agency thereof, and social service  
6882       agencies, for federal and state financial assistance to carry out social  
6883       services. The commissioner shall establish state-wide and regional  
6884       advisory councils.

6885       (c) The Commissioner of Social Services is authorized to do all  
6886       things necessary to apply for, qualify for and accept any federal funds  
6887       made available or allotted under any federal act for social service  
6888       development, or any other projects, programs or activities which may  
6889       be established by federal law, for any of the purposes or activities  
6890       related thereto, and said commissioner shall administer any such  
6891       funds allotted to the department in accordance with federal law. The  
6892       commissioner may enter into contracts with the federal government  
6893       concerning the use and repayment of such funds under any such  
6894       federal act, the prosecution of the work under any such contract and  
6895       the establishment of and disbursement from a separate account in  
6896       which federal and state funds estimated to be required for plan  
6897       preparation or other eligible activities under such federal act shall be  
6898       kept. Said account shall not be a part of the General Fund of the state

6899 or any subdivision of the state.

6900 (d) The powers and duties enumerated in this section shall be in  
6901 addition to and shall not limit any other powers or duties of the  
6902 commissioner contained in any other law.

6903 Sec. 216. (NEW) (*Effective July 1, 2008*) The Commissioner of Social  
6904 Services may obtain real and personal property, in accordance with the  
6905 provisions of this act and the policies of the State Contracting  
6906 Standards Board, with the approval of the Attorney General, by  
6907 purchase or lease. The expense of obtaining and maintaining such  
6908 property shall be paid out of appropriations for the Department of  
6909 Social Services. Said commissioner may, subject to the provisions of  
6910 chapter 67 of the general statutes, appoint such supervisory and other  
6911 personnel as may be necessary for the management of such property.

6912 Sec. 217. (NEW) (*Effective July 1, 2008*) On and after January 1, 1997,  
6913 the Department of Social Services may award, on the basis of a  
6914 competitive bidding procedure, in accordance with the provisions of  
6915 this act and the policies of the State Contracting Standards Board,  
6916 contracts for Medicaid managed care health plans.

6917 Sec. 218. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of  
6918 Correction shall use the industrial fund for the institutions of the  
6919 department as a revolving fund for the maintenance and continuance  
6920 of such productive industries as the commissioner directs and for the  
6921 purchase of supplies, stock, tools, machinery and other equipment to  
6922 promote in any way the industrial activities, including agricultural  
6923 activities, of the institutions. The proceeds from all sales resulting from  
6924 such activities shall be paid to the Treasurer and credited to said fund.

6925 (b) The commissioner shall approve the establishment and  
6926 maintenance of any and all such industrial activities, including, but not  
6927 limited to, an optical shop to produce prescription eyeglasses for  
6928 inmates of correctional institutions, for persons under state care in  
6929 other institutions and for other persons receiving or eligible to receive

6930 benefits under Title XIX of the federal Social Security Act, as amended,  
6931 provided such optical shop is under the direct supervision of an  
6932 optician licensed under chapter 381 of the general statutes, and  
6933 provided further such eyeglasses are prescribed by an optometrist  
6934 licensed under chapter 380 of the general statutes, and are fitted by  
6935 such licensed optometrist or by an optician licensed under chapter 381  
6936 of the general statutes, after considering and determining the extent, if  
6937 any, to which each industry may compete with private industry and,  
6938 as far as possible, shall encourage a diversified program. If said optical  
6939 shop is unable to fill the prescription for such eyeglasses for any  
6940 reason, within the two-week period from its receipt of such  
6941 prescription, said shop shall notify the person who prescribed such  
6942 eyeglasses within ten days after receipt of such prescription.

6943 (c) The commissioner may, by regulation, provide, for any injury  
6944 suffered by any inmate arising out of and in the course of his  
6945 employment in such industries, a compensation award not covered  
6946 under section 4-165b of the general statutes. Such payments shall not  
6947 exceed the sum of one dollar and fifty cents per week and shall be  
6948 payable solely from profits from such industries.

6949 (d) The commissioner may appoint, in accordance with chapter 67  
6950 of the general statutes, a superintendent of institution industries and  
6951 such assistants and employees as he deems necessary to (1) manage  
6952 the industries, (2) market and deliver the products and (3) investigate  
6953 complaints. The compensation of such appointees shall be paid from  
6954 the industrial fund.

6955 (e) The commissioner shall cause such articles, materials and  
6956 products as are used by state agencies and political subdivisions to be  
6957 produced by the labor of prisoners and sold at prices comparable with  
6958 the lowest market prices for such articles and materials sold or offered  
6959 for sale outside the institutions. Said articles, materials and products  
6960 shall be filed with the State Contracting Portal following consultation  
6961 with State Contracting Standards Board and Department of

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6963 (f) Any political subdivision of the state or federal government or  
6964 any private nonprofit entity, including one which receives all or part of  
6965 its revenues from any political subdivision of the state or federal  
6966 government, may purchase any articles, materials or products required  
6967 by it which are produced or manufactured by the institution  
6968 industries, and any person may purchase products and by-products of  
6969 farming operations in accordance with section 53-329 of the general  
6970 statutes. The commissioner may promulgate and circulate at  
6971 sufficiently frequent intervals for distribution to the Commissioner of  
6972 Administrative Services, the Comptroller, the State Contracting  
6973 Standards Board and such political subdivisions a catalog showing  
6974 styles, designs, sizes and varieties of all articles, materials and  
6975 products manufactured and produced at the institutions and  
6976 periodical price lists for all such articles.

6977 (g) Each state department, agency, commission or board shall  
6978 purchase its necessary products and services from the institution  
6979 industries if such products and services are produced or manufactured  
6980 and made available by such industries, provided such products and  
6981 services are of comparable price and quality and in sufficient quantity  
6982 as may be available for sale or offered for sale outside the institutions.

6983 (h) The commissioner shall file an annual report of the industrial  
6984 operations with the Governor and a balance sheet and statement of  
6985 operations with the Comptroller at such times as he requests. The  
6986 commissioner shall determine at the end of each fiscal year the amount  
6987 of cash working capital necessary to be retained in the industrial fund  
6988 and the excess of the amount so determined shall be transferred to the  
6989 General Fund.

6990 (i) The Commissioner of Correction may establish retail hobby  
6991 stores for the purpose of the sale to the public, but not for resale, of  
6992 articles made by inmates of any of the institutions of the department.  
6993 The proceeds of such sales, less a charge to defray the cost of the sales



6994 as determined by the commissioner, shall be deposited in the inmate's  
6995 institutional account. Such hobby products shall be subject to approval  
6996 by the Commissioner of Correction.

6997 (j) Any person who sells or offers for sale on the open market, to any  
6998 person other than as specified in this section, any articles, materials or  
6999 products manufactured or produced by institution inmates, shall be  
7000 fined not less than one hundred dollars nor more than five thousand  
7001 dollars or be imprisoned not more than six months, or be both fined  
7002 and imprisoned.

7003 (k) The Commissioner of Correction may establish, within the  
7004 industrial fund, commissaries to be operated for the purpose of sale to  
7005 inmates of items authorized by the commissioner. The cost of the  
7006 commissary operation shall be charged to the fund and the proceeds of  
7007 such sales shall be deposited in the fund. The commissioner is  
7008 authorized to transfer a portion of the profits from the operation of the  
7009 commissaries to the Correctional General Welfare Fund established  
7010 under section 4-57a of the general statutes.

7011 Sec. 219. (NEW) (*Effective July 1, 2008*) The Adjutant General shall  
7012 appoint a property and procurement officer who shall be the assistant  
7013 of the Adjutant General in the care of all military property and who  
7014 shall hold office at the pleasure of the Adjutant General. He shall  
7015 devote all of his time, during the office hours of the department, to the  
7016 duties of his office. The property and procurement officer may award  
7017 contracts in accordance with the provisions of this act and the policies  
7018 of the State Contracting Standards Board.

7019 Sec. 220. Subsection (b) of section 28-1a of the general statutes is  
7020 repealed and the following is substituted in lieu thereof (*Effective July*  
7021 *1, 2008*):

7022 (b) With reasonable conformance to applicable federal statutes and  
7023 administrative regulations of the Federal Emergency Management  
7024 Agency and the requirements of the Connecticut emergency

7025 operations plan, the commissioner shall organize the department and  
7026 the personnel of the department as may be necessary for the effective  
7027 discharge of the authorized emergency management, civil  
7028 preparedness and homeland security missions, including, but not  
7029 limited to, the provisions of the Connecticut emergency operations  
7030 plan and the national plan for civil preparedness. Any department  
7031 personnel may be removed by the commissioner for security reasons  
7032 or for incompetence, subject to reinstatement by the Employees'  
7033 Review Board. The commissioner may enter into contracts for the  
7034 furnishing by any person or agency, public or private, of services  
7035 necessary for the proper execution of the duties of the department, in  
7036 accordance with the provisions of this act, unless otherwise set forth in  
7037 federal law. Any such contract that has a cost of three thousand dollars  
7038 or more shall be subject to the approval of the Attorney General.

7039 Sec. 221. (NEW) (*Effective July 1, 2008*) Reserved section.

7040 Sec. 222. (NEW) (*Effective July 1, 2008*) Reserved section.

7041 Sec. 223. (NEW) (*Effective July 1, 2008*) (a) In addition to any other  
7042 powers, duties and responsibilities provided for in chapter 578 of the  
7043 general statutes, chapter 131 of the general statutes, chapter 579 of the  
7044 general statutes and section 4-8 and subsection (a) of section 10-409 of  
7045 the general statutes, the Commissioner of Economic and Community  
7046 Development shall have the following powers, duties and  
7047 responsibilities:

7048 (1) To administer and direct the operations of the Department of  
7049 Economic and Community Development;

7050 (2) To report annually to the Governor, as provided in section 4-60  
7051 of the general statutes;

7052 (3) To conduct and administer the research and planning functions  
7053 necessary to carry out the purposes of said chapters and sections;

7054 (4) To encourage and promote the development of industry and

7055 business in the state and to investigate, study and undertake ways and  
7056 means of promoting and encouraging the prosperous development  
7057 and protection of the legitimate interest and welfare of Connecticut  
7058 business, industry and commerce, within and outside the state;

7059 (5) To serve, ex officio as a director on the board of Connecticut  
7060 Innovations, Incorporated;

7061 (6) To serve as a member of the Committee of Concern for  
7062 Connecticut Jobs;

7063 (7) To promote and encourage the location and development of new  
7064 business in the state as well as the maintenance and expansion of  
7065 existing business and for that purpose to cooperate with state and local  
7066 agencies and individuals both within and outside the state;

7067 (8) To plan and conduct a program of information and publicity  
7068 designed to attract tourists, visitors and other interested persons from  
7069 outside the state to this state and also to encourage and coordinate the  
7070 efforts of other public and private organizations or groups of citizens  
7071 to publicize the facilities and attractions of the state for the same  
7072 purposes;

7073 (9) To advise and cooperate with municipalities, persons and local  
7074 planning agencies within the state for the purpose of promoting  
7075 coordination between the state and such municipalities as to plans and  
7076 development;

7077 (10) To provide all necessary staff, services, accounting and office  
7078 space and equipment required by the Connecticut Development  
7079 Authority subject to the provisions of section 4b-23, where real estate  
7080 acquisitions are involved;

7081 (11) To aid minority businesses in their development;

7082 (12) To appoint such assistants, experts, technicians and clerical  
7083 staff, subject to the provisions of chapter 67 of the general statutes, as

7084 are necessary to carry out the purposes of said chapters and sections;

7085 (13) To employ other consultants and assistants on a contract or  
7086 other basis, in accordance with the provisions of this act, for rendering  
7087 financial, technical or other assistance and advice, provided in  
7088 implementing the Connecticut economic information system the  
7089 commissioner shall to the maximum extent feasible contract with  
7090 private vendors for software, certain data sets and data updating  
7091 services;

7092 (14) To acquire or lease facilities located outside the state subject to  
7093 the provisions of section \_\_ of this act;

7094 (15) To advise and inform municipal officials concerning economic  
7095 development and collect and disseminate information pertaining  
7096 thereto, including information about federal, state and private  
7097 assistance programs and services pertaining thereto;

7098 (16) To inquire into the utilization of state government resources  
7099 and coordinate federal and state activities for assistance in and  
7100 solution of problems of economic development and to inform and  
7101 advise the Governor about and propose legislation concerning such  
7102 problems;

7103 (17) To conduct, encourage and maintain research and studies  
7104 relating to industrial and commercial development;

7105 (18) To prepare and review model ordinances and charters relating  
7106 to these areas;

7107 (19) To maintain an inventory of data and information and act as a  
7108 clearinghouse and referral agency for information on state and federal  
7109 programs and services relative to the purpose set forth herein. The  
7110 inventory shall include information on all federal programs of  
7111 financial assistance for defense conversion projects and other projects  
7112 consistent with a defense conversion strategy and shall identify  
7113 businesses which would be eligible for such assistance and provide

7114 notification to such business of such programs;

7115 (20) To conduct, encourage and maintain research and studies and  
7116 advise municipal officials about forms of cooperation between public  
7117 and private agencies designed to advance economic development;

7118 (21) To promote and assist the formation of municipal and other  
7119 agencies appropriate to the purposes of this chapter;

7120 (22) To require notice of the submission of all applications by  
7121 municipalities and any agency thereof for federal and state financial  
7122 assistance for economic development programs as relate to the  
7123 purposes of this chapter;

7124 (23) With the approval of the Commissioner of Administrative  
7125 Services, to reimburse any employee of the department, including the  
7126 commissioner, for reasonable business expenses, including but not  
7127 limited to, mileage, travel, lodging, and entertainment of business  
7128 prospects and other persons to the extent necessary or advisable to  
7129 carry out the purposes of subdivisions (4), (7), (8) and (11) of this  
7130 subsection and other provisions of chapter 278 of the general statutes;

7131 (24) To assist in resolving solid waste management issues; and

7132 (25) To develop and implement the Connecticut economic  
7133 information system, in consultation with the Connecticut Economic  
7134 Information System Steering Committee established under section 32-  
7135 6i of the general statutes.

7136 Sec. 224. (NEW) (*Effective July 1, 2008*) (a) The Commission on  
7137 Human Rights and Opportunities shall:

7138 (1) Investigate the possibilities of affording equal opportunity of  
7139 profitable employment to all persons, with particular reference to job  
7140 training and placement;

7141 (2) Compile facts concerning discrimination in employment,

7142 violations of civil liberties and other related matters;

7143 (3) Investigate and proceed in all cases of discriminatory practices as  
7144 provided in this chapter and noncompliance with the provisions of  
7145 section 169 or 170 of this or sections 46a-68c to 46a-68f, inclusive, of the  
7146 general statutes and report such findings to the State Contracting  
7147 Standards Board and the affect state contract agency;

7148 (4) From time to time, but not less than once a year, report to the  
7149 Governor as provided in section 4-60 of the general statutes, making  
7150 recommendations for the removal of such injustices as it may find to  
7151 exist and such other recommendations as it deems advisable and  
7152 describing the investigations, proceedings and hearings it has  
7153 conducted and their outcome, the decisions it has rendered and the  
7154 other work it has performed;

7155 (5) Monitor state contracts to determine whether they are in  
7156 compliance with sections 169 or 170 of this act, and those provisions of  
7157 the general statutes which prohibit discrimination and report such  
7158 findings to the State Contracting Standards Board and the affected  
7159 state contract agency ; and

7160 (6) Compile data concerning state contracts with female and  
7161 minority business enterprises and submit a report annually to the  
7162 General Assembly concerning the employment of such business  
7163 enterprises as contractors and subcontractors and report such findings  
7164 to the State Contracting Standards Board and the affected state  
7165 contract agency.

7166 (b) The commission may, when it is deemed in the best interests of  
7167 the state, exempt a contractor from the requirements of complying  
7168 with any or all of the provisions of section 169 or 170 of this act, or  
7169 sections 46a-68c, 46a-68d or 46a-68e of the general statutes in any  
7170 specific contract. Exemptions under the provisions of this section may  
7171 include, but not be limited to, the following instances: (1) If the work is  
7172 to be or has been performed outside the state and no recruitment of

7173 workers within the limits of the state is involved; (2) those involving  
7174 less than specified amounts of money or specified numbers of workers;  
7175 (3) to the extent that they involve subcontracts below a specified tier.  
7176 The commission may also exempt facilities of a contractor which are in  
7177 all respects separate and distinct from activities of the contractor  
7178 related to the performance of the contract, provided such an exemption  
7179 shall not interfere with or impede the effectuation of the purposes of  
7180 this section and sections 169 and 170 of this act, and sections 4a-60g,  
7181 4a-62 and 46a-68b to 46a-68k, inclusive, of the general statutes. All  
7182 such exemptions shall be reported to the State Contracting Standards  
7183 Board and the affected state contracting agency

7184 (c) If the commission determines through its complaint procedure  
7185 that a contractor or subcontractor is not complying with  
7186 antidiscrimination statutes or contract provisions required under  
7187 section 169 or 170 of this act or the provisions of section 46a-68c, 46a-  
7188 68d, 46a-68e or 46a-68f of the general statutes, (A) the state shall retain  
7189 two per cent of the total contract price per month on any existing  
7190 contract with such contractor and (B) the contractor shall be prohibited  
7191 from participation in any further contracts with state agencies until: (i)  
7192 The expiration of a period of two years from the date of the finding of  
7193 noncompliance or (ii) the commission determines that the contractor  
7194 has adopted policies consistent with such statutes. The commission  
7195 shall make such a determination as to whether the contractor has  
7196 adopted such policies within forty-five days of its determination of  
7197 noncompliance. In addition, the commission may do one or more of  
7198 the following: (1) Publish or cause to be published, the names of  
7199 contractors or unions which it has found to be in noncompliance with  
7200 such provisions; (2) notify the Attorney General that, in cases in which  
7201 there is substantial or material violation or the threat of substantial or  
7202 material violation of the contractual provisions set forth in section 169  
7203 or 170 of this act, appropriate proceedings should be brought to  
7204 enforce those provisions, including the enjoining, within the  
7205 limitations of applicable law, of organizations, individuals or groups  
7206 who prevent directly or indirectly, or seek to prevent directly or

7207 indirectly, compliance with the provisions of said section 169 or 170 of  
7208 this act; (3) recommend to the Equal Employment Opportunity  
7209 Commission or the Department of Justice that appropriate proceedings  
7210 be instituted under Title VII of the Civil Rights Act of 1964, when  
7211 necessary; (4) recommend to the appropriate prosecuting authority  
7212 that criminal proceedings be brought for the furnishing of false  
7213 information to any contracting agency or to the commission as the case  
7214 may be; (5) order the contracting agency to refrain from entering into  
7215 further contracts, or extension or other modifications of existing  
7216 contracts, with any noncomplying contractor, until such contractor has  
7217 satisfied the commission that such contractor has established and will  
7218 carry out personnel and employment policies in compliance with  
7219 antidiscrimination statutes and provisions of section 169 and 170 of  
7220 this act and sections 46a-68c to 46a-68f, inclusive, of the general  
7221 statutes. All such findings shall be reported to the State Contracting  
7222 Standards Board and the affected state contracting agency. The  
7223 commission shall adopt regulations in accordance with chapter 54 of  
7224 the general statutes to implement the provisions of this section.

7225 (d) If the commission determines through its complaint procedure  
7226 and after a hearing held in accordance with chapter 54 of the general  
7227 statutes that, with respect to a state contract, a contractor,  
7228 subcontractor or supplier of materials has (1) fraudulently qualified as  
7229 a minority business enterprise or (2) performed services or supplied  
7230 materials on behalf of another contractor, subcontractor or supplier of  
7231 materials knowing (A) that such other contractor, subcontractor or  
7232 supplier has fraudulently qualified as a minority business enterprise in  
7233 order to comply with antidiscrimination statutes or contract provisions  
7234 required under section 169 or 170 of this act, and (B) that such services  
7235 or materials are to be used in connection with a contract entered into  
7236 pursuant to subsection (b) of section 4a-60g of the general statutes it  
7237 shall assess a civil penalty of not more than ten thousand dollars upon  
7238 such contractor, subcontractor or supplier of materials. The Attorney  
7239 General, upon complaint of the commission, shall institute a civil  
7240 action in the superior court for the judicial district of Hartford to



7241 recover such penalty. Any penalties recovered shall be deposited in a  
7242 special fund and shall be held by the Treasurer separate and apart  
7243 from all other moneys, funds and accounts. The resources in such fund  
7244 shall, pursuant to regulations adopted by the commission in  
7245 accordance with the provisions of chapter 54 of the general statutes, be  
7246 used to assist minority business enterprises. As used in this section,  
7247 "minority business enterprise" means any contractor, subcontractor or  
7248 supplier of materials fifty-one per cent or more of the capital stock, if  
7249 any, or assets of which is owned by a person or persons: (1) Who are  
7250 active in the daily affairs of the enterprise; (2) who have the power to  
7251 direct the management and policies of the enterprise; and (3) who are  
7252 members of a minority, as such term is defined in subsection (a) of  
7253 section 32-9n of the general statutes. All such findings shall be reported  
7254 to the State Contracting Standards Board and the affected state  
7255 contracting agency.

7256       Sec. 225. Sections 4-98; 4-100; 4-124p; 4-212; 4-213; 4-214; 4-215; 4-  
7257 216; 4-217; 4-218; 4-219; 4a-2; 4a-4; 4a-6(a); 4a-7a; 4a-9; 4a-50(1), (2), (3),  
7258 4), (5) and (7); 4a-51; 4a-52; 4a-52a; 4a-52b; 4a-53; 4a-54; 4a-55; 4a-56; 4a-  
7259 57(a), (d) and (e); 4a-57a; 4a-57b; 4a-58; 4a-59(a) (1) and (2); 4a-59(b),  
7260 (c), (d), (e) and (f); 4a-59a; 4a-60; 4a-60a; 4a-60h; 4a-60i; 4a-60j; 4a-61; 4a-  
7261 62; 4a-63; 4a-64; 4a-65; 4a-66; 4a-67; 4a-67c; 4a-67d; 4a-67e; 4a-67f; 4a-71;  
7262 4a-72; 4a-73; 4a-74; 4a-75; 4a-76; 4a-80; 4a-81; 4b-1; 4b-23; 4b-24; 4b-26;  
7263 4b-30; 4b-30a; 4b-32; 4b-33; 4b-34; 4b-35; 4b-36; 4b-37; 4b-38; 4b-55; 4b-  
7264 55a; 4b-56; 4b-57; 4b-58; 4b-59; 4b-92; 4b-93; 4b-94; 4b-95; 4b-95a; 4b-96;  
7265 4b-100; 4b-100a; 4b-101; 4b-102; 4d-2 and(6); 4d-2; 4d-8; 4d-30(1), (2)  
7266 and (3); 4d-31; 4d-32; 4d-33; 4d-34; 4d-35; 4d-36; 4d-37; 4d-38; 4d-39;  
7267 4d-40; 4d-41; 4d-42; 4d-43; 4d-44; 4d-45; 4d-46; 4d-47; 4d-48; 10-298b;  
7268 10a-151b; 13a-33; 13b-20b; 13b-20c; 13b-20d; 13b-20e; 13b-20f; 13b-20g;  
7269 13b-20h; 13b-20i; 13b-20j; 13b-20k; 13b-20m; 13b-20n; 13b-34; 13b-36;  
7270 13b-53; 17b-3; 17b-25; 17b-28b; 17b-656; 18-88; 18-89; 27-25; 31-57a; 31-  
7271 57b; 31-57c; 31-57d; 32-1c; 46a-56; 46a-68b; 46a-68c; 46a-68d; 46a-68e;  
7272 46a-68f; 46a-68g; and 49-41c of the general statutes are repealed.  
7273 (*Effective July 1, 2008*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>July 1, 2008</i>	New section
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>July 1, 2008</i>	New section
Sec. 16	<i>July 1, 2008</i>	New section
Sec. 17	<i>July 1, 2008</i>	New section
Sec. 18	<i>July 1, 2008</i>	New section
Sec. 19	<i>from passage</i>	New section
Sec. 20	<i>July 1, 2008</i>	New section
Sec. 21	<i>July 1, 2008</i>	New section
Sec. 22	<i>July 1, 2008</i>	New section
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Sec. 25	<i>July 1, 2008</i>	New section
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Sec. 38	July 1, 2008	New section
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Sec. 48	from passage	New section
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Sec. 111	July 1, 2008	New section
Sec. 112	from passage	New section
Sec.	July 1, 2008	New section
Sec. 114	July 1, 2008	New section
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Sec. 120	<i>July 1, 2008</i>	New section
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Sec. 177	<i>from passage</i>	New section
Sec. 178	July 1, 2008	New section
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Sec. 200	<i>July 1, 2008</i>	New section
Sec. 201	<i>July 1, 2008</i>	New section
Sec. 202	<i>July 1, 2008</i>	1-92a(a)
Sec. 203	<i>July 1, 2008</i>	New section
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Sec. 219	<i>July 1, 2008</i>	New section
Sec. 220	<i>July 1, 2008</i>	28-1a(b)
Sec. 221	<i>July 1, 2008</i>	New section
Sec. 222	<i>July 1, 2008</i>	New section
Sec. 223	<i>July 1, 2008</i>	New section
Sec. 224	<i>July 1, 2008</i>	New section
Sec. 225	<i>July 1, 2008</i>	Repealer section

**Statement of Purpose:**

To implement the Governor's budget recommendations.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*